

ADMINISTRATIVE PANEL DECISION

**Reckitt Benckiser Group Plc, Reckitt & Colman (Overseas) Health Limited,
and Reckitt Benckiser SARL v. Privacy Service Provided by Withheld for
Privacy ehf / Rick Matthews
Case No. D2022-0815**

1. The Parties

The Complainants are Reckitt Benckiser Group Plc, United Kingdom, Reckitt & Colman (Overseas) Health Limited, United Kingdom, and Reckitt Benckiser SARL, Luxembourg, represented by Studio Barbero, Italy.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Rick Matthews, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <reckitt-plc.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 8, 2022. On March 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 10, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on March 10, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on March 11, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2022. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on April 8, 2022.

The Center appointed Adam Samuel as the sole panelist in this matter on April 14, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Second Complainant, Complainant, Reckitt & Colman (Overseas) Health Limited, and Third Complainant, Reckitt Benckiser SARL, are subsidiaries of the First Complainant, Reckitt Benckiser Group Plc. The Complainants' group manufacture health and household products. The Second Complainant owns a number of trademarks for the name RECKITT including International trademark No. 1621375, registered on March 24, 2021. The Third Complainant owns a number of trademarks for the name RECKITT BENCKISER including European Union Trade Mark Registration No. 001416056, registered on February 7, 2003. The First Complainant promotes its business using a number of domain names, notably <reckitt.com>, registered on November 2, 1996 by the Third Complainant.

The disputed domain name was registered on December 5, 2021. The disputed domain name originally resolved to a website describing the Complainants' products and containing the address and telephone details of the Complainant group.

5. Parties' Contentions

A. Complainants

The disputed domain name reproduces the trademark RECKITT with the addition of a hyphen and the three-letter term "plc" and the first part of the Third Complainant's RECKITT BENCKISER trademark. The generic Top-Level Domain ("gTLD") is a standard registration requirement and can be disregarded under the confusing similarity test.

The Respondent is not a licensee, authorized agent or other otherwise connected to the Complainants. The Respondent is not commonly known by the disputed domain name.

The Respondent was clearly aware of the Complainants' trademarks when it registered the disputed domain name. The Respondent registered the disputed domain name to target the Complainants and induce viewers of the Respondent's website to think that it was owned and operated by the Complainants.

The disputed domain name resolves to a website publishing the Complainants' trademarks, reproducing content found on the Complainants' Group's corporate website without any disclaimer of non-affiliation. The website also refers to the First Complainant as the copyright holder of the text.

The Respondent has set up mail exchange ("MX") records for the disputed domain name, meaning that it could use the disputed domain name for email communications and has already used this facility by giving its email address on its website as an address connected to the disputed domain name.

The Respondent did not reply to a cease-and-desist letter and subsequent reminder letters.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6. 1. Procedural Issue – Consolidation

In the complaint, the three Complainants have requested the Panel to bring their Complaint together against the Respondent. The Respondent has not replied to the Complaint. Section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”) reads:

“4.11 How do panels address consolidation scenarios?

The WIPO Center may accept, on a preliminary basis, a consolidated complaint where the criteria described below are *prima facie* met. Any final determination on consolidation would be made by the appointed panel, which may apply its discretion in certain circumstances to order the separation of a filed complaint. In all cases, the burden falls to the party seeking consolidation to provide evidence in support of its request.

4.11.1 Multiple complainants filing against a single respondent

Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

Here the three Complainants are members of the same corporate group, essentially alleging the same thing against the Respondent. The Second Complainant, Reckitt & Colman (Overseas) Health Limited, and the Third Complainant, Reckitt Benckiser SARL, own registered trademarks with which, they allege, the disputed domain name is confusingly similar. The First Complainant, Reckitt Benckiser Group Plc, is the parent company of the Second and Third Complainants and owns a domain name from whose website, all the Complainants allege, the Respondents have copied material.

For these reasons, the Panel concludes that the Complainants have a specific common grievance against the Respondent and the Respondent has engaged in common conduct that has affected the Complainants in a similar fashion and it would be equitable and procedurally efficient to permit the consolidation.

6.2 Substantive Issues

To succeed, the Complainants must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name consists of the Second Complainant’s trademark, a hyphen, the initials “plc” and the gTLD “.com”. That trademark is also one half of the Third Complainant’s trademark. It also has no independent or ordinary meaning.

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”).

The initials “plc” are a common abbreviation for “public limited company” which the first Complainant and the parent company of the group is, a point reflected in the first Complainant’s name.

Section 1.8 of the WIPO Overview 3.0 says:

“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive ... or otherwise) would not prevent a finding of confusing similarity under the first element.”

For these reasons, the Panel concludes the disputed domain name is confusingly similar to the Second Complainant’s trademark and the Third Complainant’s trademark. Since all three Complainants are part of the same corporate group, they each have rights in the Second Complainant’s trademark which most closely resembles the disputed domain name.

B. Rights or Legitimate Interests

The Respondent is not called “Reckitt” “plc” or anything similar. There is no evidence that the Complainants have ever authorized the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose.

Based on the available record, where the Complainants have made out a preliminary case that the Respondent lacks rights or legitimate interests, and in the absence of any response on this point, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See section 2.1 of the WIPO Overview 3.0.

C. Registered and Used in Bad Faith

The Respondent registered the disputed domain name which is very similar to the Second Complainant’s trademark. It demonstrated its awareness of the Complainants’ group of companies by reproducing part of the group’s corporate website including trademarks owned by the group and even indicated that the First Complainant owned the copyright over the material.

The Respondent appears to have registered the disputed domain name primarily to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Second Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. This is evidence of registration and use in bad faith in accordance with paragraph 4(b)(iv) of the Policy.

For all these reasons, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <reckitt-plc.com> be transferred to the be transferred to the Third Complainant Reckitt Benckiser S.à.r.l.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: April 28, 2022