

ADMINISTRATIVE PANEL DECISION

KDC/ONE v. Furrokh Irani

Case No. D2023-1097

1. The Parties

The Complainant is KDC/ONE, Canada, represented by ZeroFox, United States of America (“United States”).

The Respondent is Furrokh Irani, United States.

2. The Domain Name and Registrar

The disputed domain name <kdc-knowiton.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 10, 2023. On March 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 2023, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 21, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on March 24, 2023.

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 April 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 25, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 4, 2023. 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 Complainant is a multinational corporation based in Knowlton, Canada. It provides package design and manufacturing solutions for the beauty and personal care industry.

The Complainant is the owner (via an entity named KDC US Holdings, Inc) of various trademark registrations for the mark KDC / ONE. Those registrations include, for example:

- European Union Trade Mark number 017968922 for the word mark KDC / ONE, registered on April 23, 2019; and
- Canada trademark registration number TMA1178428 for the word mark KDC / ONE, registered on August 5, 2023.

The Complainant operates a website at “www.kdc-one.com”. It is also the owner of other domain names that resolve to that website, including <kdc-knowlton.com>.

The disputed domain name was registered on August 26, 2022.

The disputed domain name does not appear to have resolved to any active website. However, the Complainant submits that MX servers have been configured on the domain which permit emails to be sent from addresses [...]@kdc-knowlton.com.

5. Parties’ Contentions

A. Complainant

The Complainant states that it has traded since 2002 and is a global leader in its field, with over 15,000 employees worldwide and revenues in excess of USD 2 billion per annum.

The Complainant submits that the disputed domain name is confusingly similar to its KDC / ONE trademark. It observes that it is known to be located in Knowlton, Canada and that the term “knowlton” within the disputed domain name is a deliberate misspelling of that name for the obvious purpose of “typosquatting”.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the Respondent can have registered the disputed domain name only for the purpose of causing confusion with the Complainant’s KDC / ONE trademark and <kdc-knowlton.com> domain name, which cannot amount to either *bona fide* commercial use or legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that this is an obvious case of “typosquatting” in which the Respondent intends to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trademark and/or taking advantage of a common typographical error. The Complainant submits that it is unimportant that the Respondent does not currently operate an active website since there is a clear indication of intent to mislead Internet users in the future. The Complainant further contends that the configuration of MX records upon the disputed domain name would enable the Respondent to engage in activities such as “phishing” by impersonating the Complainant.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has 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 Complainant has established that it has registered trademark rights in respect of the mark KDC / ONE. The term "KDC", which forms a distinctive component of that trademark, is clearly recognizable within the disputed domain name and the Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Panel can only reasonably conclude in this case that the Respondent registered the disputed domain name in attempt to impersonate the Complainant and, in particular, its domain name <kdc-knowlton.com>, which resolves to its official website. The disputed domain name differs from that domain name only by replacing the letter "l" with a visually similar letter "i" and represents a clear case of "typosquatting" in the Panel's view. The Respondent has offered no explanation for its choice of the disputed domain name and the Panel can only infer in the circumstances that it was registered for the dishonest purpose of impersonation, which cannot give rise to rights or legitimate interests on the Respondent's part.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Again, the Panel finds the conclusion inescapable that the Respondent registered the disputed domain name with the knowledge of the Complainant, and in particular its <kdc-knowlton.com> domain name, and with the intention of taking unfair advantage of the Complainant's commercial goodwill by way of impersonation. The composition of the disputed domain name is inherently deceptive and the Panel is unable to conceive of any purpose for which it could be used other than to mislead Internet or email users into believing that it is connected with the Complainant in some legitimate manner. The Panel finds it irrelevant in these circumstances that the disputed domain name has not yet been used in connection with any active website (see *e.g. Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)) and accepts the Complainant's submission that the configuration of MX servers on the disputed domain name gives rise to a realistic prospect of its use for the purpose of fraudulent email schemes.

The Panel therefore finds that the disputed domain name has been registered and is being used 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, <kdc-knowiton.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: May 17, 2023