

ADMINISTRATIVE PANEL DECISION

Colgate-Palmolive Company, The Murphy-Phoenix Company, Hill's Pet Nutrition, Inc. v. DODSONCLAYTON, KathleenCarter, BergeronRichard, du yan
Case No. D2024-3853

1. The Parties

Complainants are Colgate-Palmolive Company, United States of America ("U.S."), The Murphy-Phoenix Company, U.S., and Hill's Pet Nutrition, Inc., U.S., represented by Fross Zelnick Lehrman & Zissu, P.C., U.S.

Respondents are DODSONCLAYTON, U.S., KathleenCarter, U.S., BergeronRichard, U.S., and du yan, U.S..

2. The Domain Names and Registrars

The disputed domain names <colgatediscountdentalcare.shop>, <colgateemporium.shop>, <fabulosocleaners.shop>, <fabulosocleaningsupplies.shop>, <fabulososhoeystore.shop>, <irishspringessentials.shop>, <murphyoilsoapwoodcleaner.shop>, <palmolivediscountdeals.shop>, <palmolivediscount.shop>, <palmoliveessentials.shop>, <slopehillpets.shop>, <speedstickdeodorants.shop>, <speedstickmen.shop>, <speedstickstore.shop>, and <stickmaniaspeed.shop> (the "Domain Names 1") are all registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain name <lady-speedstick.shop> (the "Domain Name 2") is registered with Sav.com, LLC (PDR Ltd. d/b/a PublicDomainRegistry.com and Sav.com, LLC are hereinafter referred to as the "Registrars" and the Domain Names 1 and Domain Name 2 are collectively referred to as the "Domain Names").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 19, 2024. On September 23, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On September 23 and 24, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to Complainants on September 25, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting Complainants to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. Complainants filed an amended Complaint on September 26, 2024.

The Center verified that the Complaint together with the amended 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 Respondents of the Complaint, and the proceedings commenced on September 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2024. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on October 21, 2024.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on October 25, 2024. 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

Complainants, Colgate-Palmolive Company, The Murphy-Phoenix Company, and Hill's Pet Nutrition, Inc. are all from U.S., with Colgate-Palmolive Company ("Complainant") being the parent company of The Murphy-Phoenix Company and Hill's Pet Nutrition, Inc..

Colgate & Co. merged with Palmolive & Peet in 1928 to form Colgate-Palmolive Peet Company, which was shortened to Colgate-Palmolive Co. in 1953. Complainants have since grown to include oral care, personal care, home care and pet nutrition products, such as COLGATE toothpastes, toothbrushes, and dental floss, PALMOLIVE soaps and detergents, SPEED STICK and LADY SPEED STICK deodorants and antiperspirants, FABULOSO cleaners and detergents, and HILL'S pet foods. Complainants now employ more than 34,000 people in over 200 countries and territories around the globe and with global sales in 2023 of over USD 19.4 billion.

In addition, the COLGATE trademark has been in use in the U.S. for more than 200 years, since 1806; the PALMOLIVE trademark has been in use in the U.S. since 1898 when PALMOLIVE soap, which at the time was made entirely of palm and olive oils, was introduced for sale. Complainants' SPEED STICK antiperspirants and deodorants have been sold since 1963 and Complainants introduced LADY SPEED STICK in 1983. Complainants' FABULOSO brand cleaning products were introduced in 1980 in Venezuela and was first made available for sale in the U.S. in 1996. Complainants' IRISH SPRING soaps and body washes were first introduced in 1964. Complainants' MURPHY cleaning products were first introduced in 1910 and are known for wood maintenance, cleaning and care.

In the 1930s, Dr. Morris Frank, developed Raritan Ration B, a pet food developed for dogs with renal failure and insufficiency. In 1948, Dr. Morris contracted the Hill Packing Company to can the pet food and licensed the Hill Packing Company to produce his pet food formulas. In the following years, the partnership between Dr. Morris and the Hill Packing Company evolved into Hill's Pet Nutrition, and in 1976, the Colgate-Palmolive Company purchased Hill's Pet Nutrition.

Complainants have dedicated websites and web pages for each of their COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S brands.

In addition, Complainants own numerous trademark registrations for their COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks, including:

- U.S. trademark registration numbers 60,595, 227,647, and 427,475 for the COLGATE word mark registered on February 19, 1907, May 10, 1927, February 11, 1947, respectively;
- U.S. trademark registration numbers 113,591, 210,594, 317,320, 732,251, 861,145, and 1,961,815 for the PALMOLIVE word mark registered on October 24, 1916, March 16, 1926, September 18, 1934, May 29, 1962, November 26, 1968, and March 12, 1996, respectively;
- U.S. trademark registration numbers 2,464,025 and 1,948,443 for the SPEED STICK word and (word and design) marks registered on June 26, 2001 and January 16, 1996, respectively;
- U.S. trademark registration number 1,280,414 for the LADY SPEED STICK word mark registered on June 5, 1984;
- U.S. trademark registration numbers 5770937, 6318480, 6338168, 6531495, 7164467, 7305299, and 7305428 for FABULOSO mark, registered on June 4, 2019, April 13, 2021, May 4, 2021, October 19, 2021, September 12, 2023, and February 13, 2024, respectively;
- U.S. trademark registration numbers 794,587 and 3,565,623 for the IRISH SPRING word mark, registered on August 17, 1965 and January 20, 2009 respectively;
- U.S. trademark registration number 2,754,407 for the MURPHY word mark registered on August 19, 2003; and
- U.S. trademark registration numbers 955,342 and 1,417,169 for the HILL'S word mark, registered on March 13, 1973 and November 18, 1986, respectively.

The Domain Names were registered on the following dates:

Domain Name	Registration Date
<palmolivediscount.shop>	July 19, 2024
<palmolivediscountdeals.shop>	July 31, 2024
<speedstickstore.shop>	July 19, 2024
<speedstickdeodorants.shop>	July 20, 2024
<fabulosocleaners.shop>	July 22, 2024
<ladyspeedstick.shop>	July 16, 2024
<slopehillpets.shop>	July 31, 2024
<colgatediscountdentalcare.shop>	July 20, 2024
<colgateemporium.shop>	July 30, 2024
<stickmaniaspeed.shop>	July 19, 2024
<fabulososhoestore.shop>	July 31, 2024
<fabulosocleaningsupplies.shop>	August 16, 2024
<irishspringessentials.shop>	August 7, 2024
<murphyoilsoapwoodcleaner.shop>	August 7, 2024
<palmoliveessentials.shop>	August 7, 2024
<speedstickmen.shop>	August 7, 2024

The Domain Names each resolved to similar websites, each featuring Complainants' trademarks and offering Complainants' products and products of other unrelated companies. The websites appeared to pose as the actual websites of Complainants, purporting to offer Complainants' branded products, using images of Complainants' products and trademarks.

5. Parties' Contentions

A. Complainant

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Names.

Complainants contend that (i) the Domain Names are confusingly similar to Complainants' trademarks; (ii) Respondents have no rights or legitimate interests in the Domain Names; and (iii) Respondents registered and are using the Domain Names in bad faith.

In particular, Complainants contend that they have trademark registrations and rights for COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S and that Respondents registered and are using the Domain Names with the intention to confuse Internet users looking for bona fide and well-known COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S products and services.

Complainants note that they have no affiliation with Respondents, nor authorized Respondents to register or use a domain name, which includes Complainants' trademarks, and that Respondents have no rights or legitimate interests in the registration and use of the Domain Names. Rather, Complainants contend that Respondents have acted in bad faith in acquiring and setting up the Domain Names, when Respondents clearly knew of Complainants' rights.

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainants must satisfy the Panel that:

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

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainants to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

6.1. Preliminary Issue: Consolidation

Complainants request consolidation of the nominally different Domain Name registrants into a single proceeding for the following reasons:

Complainants contend that Domain Names are under common ownership and/or control because the Domain Names all resolve to largely similar websites, each of which holds itself out as a genuine website of Complainants', that offers Complainants' products as well as those of other, unrelated companies, the websites are intended to create the impression of being actual websites of Complainants', purporting to offer Complainants' branded goods, using images of Complainants' products and trademarks, all without authorization from Complainants. Furthermore, the websites at all 16 Domain Names sell use the same website template.

Complainants also contend that Respondent's use of false contact information is also demonstrated in the registration details, citing, for example, that the street address, city, state, post code, and telephone number provided by the registrant of <ladyspeedstick.shop> are false; the street addresses for "DodsonClayton,"

“KathleenCarter”, and “BergeronRichard” do not list the state in which they are purportedly located; the postal codes listed for these registrants do not match the area codes for the telephone numbers shown, for example, 75633 is the post code for Carthage, Texas, but the 507 area code is for southern Minnesota. Similarly, “DodsonClayton,” “KathleenCarter” and “BergeronRichard” all submitted their contact information in the same manner, omitting spaces and using similar false contact details. Lastly, “du yan” also submitted false contact information, listing a “123” street number and a “12345” postal code that are allegedly in “anytown”, reinforcing the apparent use of false contact information and aliases by all disclosed registrants, likely in an attempt to frustrate consolidated proceedings such as these.

The Domain Name registrants did not comment on Complainants’ request.

Paragraph 3(c) of the Rules states 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 addressing Complainants’ request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. Procedural efficiency would also underpin Panel consideration of such a consolidation scenario. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants’ identity(ies) including pseudonyms, (ii) the registrants’ contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).

As regards to common control, the Panel notes the similarities in the websites at each of the Domain Names, the similar composition of the Domain Names, the use of the same website template for the websites at all sixteen Domain Names to purport to sell Complainants’ products, the registration date of the Domain Names all within a short period of between July 16 and August 16, 2024, and the registration of the Domain Names at the same Top-Level Domain (“TLD”), which in this case, is “.shop”, and the false contact details provided by Respondents.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants (referred to hereinafter as “Respondent”) in a single proceeding.

6.2. Substantive Issues

A. Identical or Confusingly Similar

Complainants have provided evidence of their rights in the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL’S trademarks, as noted above.

Complainants have also submitted evidence which supports that the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL’S trademarks are widely known and a distinctive identifier of Complainants’ products and services. Complainants have therefore

proven that it has the requisite rights in the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks.

With Complainants' rights in the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the TLD in which they are registered (in this case, ".shop"), are identical or confusingly similar to Complainants' trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Names are confusingly similar to Complainants' COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY and HILL'S trademarks. These COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks are recognizable in the Domain Names.

In particular, the Domain Names' inclusion of Complainants' trademarks COLGATE, PALMOLIVE, SPEED STICK (with the terms "speed" and "stick" reversed in order), LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S (with the absence of "s") in their entirety, in each case, with an addition of various generic terms such as "discount", "discountdeals", "store", "deodorants", "slope" and "pets", "discountdentalcare", "emporium", "mania", "shoestore", "cleaningsupplies", "essentials", "oilsoapwoodcleaner", and "men" does not prevent a finding of confusing similarity between each of the Domain Names and the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that Complainants have satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainants and their COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks, and does not have any rights or legitimate interests in the Domain Names. Complainants have confirmed that Respondent is not affiliated with Complainants, or otherwise authorized or licensed to use the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of the filing of the Complaint, each of the Domain Names redirected to similar websites that offered Complainants' respective products.

In particular, the Domain Names each resolved to similar websites, each featuring Complainants' trademarks and offering Complainants' products and products of other unrelated companies at highly discounted, and thus suspicious, prices. The websites appeared to pose as the actual websites of Complainants, purporting to offer Complainants' branded products, using images of Complainants' products and trademarks, without any disclaiming statement as to the lack of relationship with Complainants. Moreover, the record shows that websites corresponding to each of the Domain Names contain false contact information.

Such use does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Names. See, e.g., *Intesa Sanpaolo S.p.A. v. Charles Duke / Oneandone Private Registration*, WIPO Case No. [D2013-0875](#).

Accordingly, Complainants have provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names and Complainants have met their burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainants have provided ample evidence to show that registration and use of the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks long predate the registration of the Domain Names. Complainants are also well established and known. Indeed, the record shows that Complainants' COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks and related products and services are widely known and recognized. Therefore, and also noting the competing use to which the Domain Names were put, Respondent was aware of the COLGATE, PALMOLIVE, SPEED STICK, LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S trademarks when it registered the Domain Names. See section 3.2.2 of the [WIPO Overview 3.0](#); see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

Moreover, the Domain Names' inclusion of Complainants' trademarks COLGATE, PALMOLIVE, SPEED STICK (with the terms “speed” and “stick” reversed in order as noted above), LADY SPEED STICK, FABULOSO, IRISH SPRING, MURPHY, and HILL'S (with the absence of “s”) in their entirety, in each case, with an addition of various generic terms as noted above, in relation to the products associated with Complainants' trademarks, reflects the potentially heightened confusion caused to Internet users when such customers are looking for Complainants' legitimate products and services, and thus the awareness of Respondent's use of the Domain Names at the time of registration.

The Panel therefore finds that Respondent's awareness of Complainants' trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the Domain Names each resolved to similar websites, each featuring Complainants' trademarks and offering Complainants' products and products of other unrelated companies. The websites appeared to pose as the actual websites of Complainant, purporting to offer Complainants' branded products, using images of Complainants' products and trademarks. Such use of Complainants' trademarks at the time of registration of the Domain Names is evident of Respondent's awareness of Complainants' trademarks and its effort to opportunistically capitalize on the registration and use of the Domain Names.

Such use of the Domain Names is also disruptive to Complainants' business and potentially damaging to Complainants' reputation and goodwill, particularly because their use is in the same business and industry as Complainants', for activities for which Complainants' trademarks are well-known, and is evidence of bad faith. See *Lennar Pacific Properties Management, Inc., Lennar Corporation v. Registration Private, Domains By Proxy, LLC / IAutomation Contractors*, WIPO Case No. [D2022-1768](#).

Further, the Panel also notes the failure of Respondent to submit a response, or to provide any evidence of actual or contemplated good-faith use, its use of what appeared to be false contact information, and the implausibility of any good-faith use to which the Domain Names may be put.

Accordingly, the Panel finds that Respondent registered and is using the Domain Names in bad faith and Complainants succeed under the third element of paragraph 4(a) of the Policy

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 Domain Names, <colgatediscountdentalcare.shop>, <colgateemporium.shop>, <fabulosocleaners.shop>, <fabulosocleaningsupplies.shop>, <fabulososhoeystore.shop>, <ladyspeedstick.shop>, <irishspringessentials.shop>, <murphyoilsoapwoodcleaner.shop>, <palmolivediscountdeals.shop>, <palmolivediscount.shop>, <palmoliveessentials.shop>, <slopehillpets.shop>, <speedstickdeodorants.shop>, <speedstickmen.shop>, <speedstickstore.shop>, and <stickmaniaspeed.shop>, be transferred to Complainant, Colgate-Palmolive Company.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: October 31, 2024