

ADMINISTRATIVE PANEL DECISION

Reliance Retail Limited v. Pankaj Kumar

Case No. D2024-4878

1. The Parties

The Complainant is Reliance Retail Limited, India, represented by Arjun T. Bhagat & Co., India.

The Respondent is Pankaj Kumar, India.

2. The Domain Name and Registrar

The disputed domain name <campacoladealer.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 26, 2024, 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 (DomainsByProxy.com, C/o. GoDaddy.com LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 27, 2024, 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 amended Complaint on November 28, 2024, and a further amended Complaint on December 3, 2024.



The Center verified that the Complaint together with the amended Complaints 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 December 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2024.

The Center appointed Shwetasree Majumder as the sole panelist in this matter on January 3, 2025. 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 an Indian company incorporated in the year 1999. The Complainant holds several Indian trademark registrations for the marks CAMPA and CAMPA COLA. Details of a few of such Indian registrations are as below:

- Indian Registration No. 413916 for,  registered on December 2, 1983;
- Indian Registration No. 5715401 for, registered  on December 8, 2022.

The disputed domain name <campacoladealer.com> was registered on April 23, 2024. At the time of filing the Complaint, the Respondent's website was offering dealerships, distributorship, and franchises for the Complainant's products under its marks CAMPA and CAMPA COLA. The Respondent's website also uses the mark of the Complainant reproduced below:



5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

The Complainant states that the brand CAMPA, was a popular Indian soft drink brand between the years 1970 to 1980 before it was sidetracked by the entry of international soft drink brands namely Pepsi and Coca-Cola in the 1990s. In the 1970s, the brand CAMPA was a market leader of soft drinks in India. With an aim to re-launch the iconic Indian brand with 50 years of legacy, the Complainant states that it acquired the brands CAMPA and CAMPA COLA in the year 2022. The brand CAMPA was official relaunched in March 2023. The Complainant has submitted an order dated July 6, 2023 of the Hon'ble Bombay High Court, where its rights in the marks CAMPA and CAMPA COLA were upheld against a third party which was infringing its marks and committing fraud by offering fake franchises for CAMPA COLA beverages.

The Complainant contends that that the disputed domain name is confusingly similar to its CAMPA COLA mark. The Complainant argues that the Respondent has designed its website to defraud innocent individuals into believing that this is the website to obtain dealership or distribution or distributorship or franchise of CAMPA and CAMPA COLA products. On its website, the Respondent is seen to be inviting applications from the public for dealership, distributorship, franchise opportunities. The Complainant points out that the Respondent's website is using the Complainant's stylized design mark CAMPA to give an authentic feel to its website and dupe innocent visitors.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, since it has never licensed or authorized the Respondent to use its marks or to offer dealership, distributorship, franchise in respect of its products. The Complainant has also alleged that the Respondent has not used the disputed domain name prior to adoption and use of their CAMPA and CAMPA COLA marks by its predecessors in title. The earliest use of the CAMPA and CAMPA COLA marks of the Complainant dates to back to the 1970s. The Complainant also alleges that there is no evidence to show that the Respondent is or has been known by the name CAMPA or CAMPA COLA and there are no legitimate websites associated with the disputed domain name that provide any information about the Respondent.

The Complainant asserts that the Respondent has registered the disputed domain name in bad faith and alleged several reasons, including that the Respondent knew about the Complainant's rights in its CAMPA and CAMPA COLA marks; that the Respondent used the disputed domain name to impersonate the Complainant intentionally to attract commercial gains and carry out fraudulent and phishing activities.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the Complainant's marks CAMPA and CAMPA COLA are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "dealer" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with

relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record; the Panel finds the Complainant has established that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent has designed the website under the disputed domain name to defraud innocent individuals into believing that this is the site to obtain dealership or distribution or distributorship or franchise of the CAMPA or CAMPA COLA beverages. These activities of the Respondent clearly indicate that the said Respondent was very much aware of the Complainant, its reputation and its business. The Respondent's activities are aimed at practicing deception and fraud upon Internet users who would be confused upon seeing the website under the disputed domain name and are likely to access the same under the belief that the same is the website of the Complainant or is associated with or is sponsored by the Complainant and to lure the unwary people into believing that they can obtain dealership or distribution or distributorship or franchise. The addition of the term "dealer" in the disputed domain name can only aggravate the confusion of Internet users, who will think that the Respondent is an official dealer of CAMPA and CAMPA COLA beverages.

Panels have held that the use of a domain name for illegal activity of phishing, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel notes that the Respondent by registering and using the disputed domain name, is seeking to lure Internet users into believing that they are accessing the Complainant's website where they can obtain dealership, distribution, distributorship, or franchise the CAMPA/CAMPA COLA products. The Respondent is likely to collect moneys from Internet users by practicing deception, under the guise of providing dealership of the Complainant's CAMPA and CAMPA COLA products, leading to fraud. The Respondent's use of the Complainant's stylized design mark CAMPA on its website is clearly to give the website an authentic "look and feel" to defraud Internet users. The Panel finds that such conduct is probative of the Respondent's bad faith in registering and using the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity of phishing, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 disputed domain name <campacoladealer.com> be transferred to the Complainant.

/Shwetasree Majumder/

Shwetasree Majumder

Sole Panelist

Date: January 20, 2025