

ADMINISTRATIVE PANEL DECISION

Inriver AB v. leo, christo leo
Case No. D2024-5005

1. The Parties

Complainant is Inriver AB, Sweden, represented by Hansson Thyresson AB, Sweden.

Respondent is leo, christo leo, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <inriver.club> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 4, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (NameSilo, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on December 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on the same day.

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 Respondent of the Complaint, and the proceedings commenced on December 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 5, 2025.

The Center appointed Scott R. Austin as the sole panelist in this matter on January 7, 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provides evidence sufficient to support:

Established in 2007 and headquartered in Malmö, Sweden, Complainant “offers a comprehensive product information management (PIM) solution that enables organizations to manage, enrich, syndicate, and optimize all product data from a single platform” under the trademark INRIVER (the “INRIVER Mark”). Complainant’s registration data submitted shows Complainant’s INRIVER Mark is also used to identify a broad range of online business services including “retail services featuring a wide variety of consumer goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods”.

Among other registrations for the INRIVER Mark, Complainant owns the following in the European Union, and through WIPO and the Madrid Protocol owns registrations in a number of countries around the world including United States of America, Republic of Korea and Japan:

European Union Reg. No. 017290231, registered on January 19, 2018 in connection with a range of goods and services in International Classes 35 and 42;

European Union Reg. No. 018125474, registered on January 30, 2020, in connection with a range of goods and services in International Classes 9, 35 and 42;

International Reg. No. 1548149, registered on March 11, 2020, in connection with a range of goods and services in International Classes 9, 35 and 42.

Complainant also shows it incorporates the INRIVER Mark into its official domain name <inriver.com>, registered in 2004 and used to access Complainant’s official website at “www.inriver.com” (the “Official INRIVER Mark Website”) where it promotes its products and services.

The disputed domain name was registered on July 22, 2024. Screen shots of Respondent’s website submitted in Complainant’s annexes, and the Panel’s independent investigation of the disputed domain name found that as of the date visited, January 11, 2025 the disputed domain name resolves to what is generally referred to as a “copycat” website that uses the INRIVER Mark in multiple ways, including identifying its business as “Inriver,” on its landing page and on its terms and conditions page. The website purports to offer a wide variety of consumer goods identified with the INRIVER Mark and INRIVER color stylized words plus design logo on its landing page and displays email addresses under “Office” locations in the United States of America, United Kingdom and Hong Kong, China.¹ Numerous cases support a panel’s power to undertake such limited factual research and the Panel has, in its discretion, examined Respondent’s website as well as trademark registration databases for the current status of Complainant’s trademark registration data.

¹ “Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. This may include visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name or accessing trademark registration databases.” WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8. See e.g., *Humble Bundle, Inc. v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2016-0914](#); *Creative NetVentures, Inc. v. Webheads*, WIPO Case No. [D2000-1655](#).

5. Parties' Contentions

A. Complainant

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

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case and it is apparent from the terms of the Policy that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer or cancel a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. [WIPO Overview 3.0](#), section 4.2.

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
2. Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. The disputed domain name has been registered and is being used in bad faith.

The Panel finds that, based on the record before it, Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. Trademark registration evidence has been submitted in the form of electronic copies of valid and subsisting national and international trademark registration documents in the name of Complainant referenced in Section 4 above. Ownership of a nationally registered trademark constitutes prima facie evidence that the complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1; see *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#); see also *Janus International Holding Co. v. Scott Rademacher*, WIPO Case No. [D2002-0201](#).

The Panel finds Complainant's foregoing national and international registrations are sufficient to demonstrate statutory trademark rights in Complainant's INRIVER Mark to meet Complainant's burden under the first element of the Policy.

A side-by-side comparison between the disputed domain name and Complainant's mark shows the disputed domain name is essentially identical to Complainant's INRIVER Mark.

Complainant's INRIVER Mark is incorporated in its entirety in the disputed domain name.

Prior UDRP panels have held "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." See, *L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#); see also, *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#).

Prior UDRP panels have also found the Top-Level Domain (TLD), in this case ".club" being viewed as a standard registration technical requirement, may typically be disregarded under the paragraph 4(a)(i) analysis. See [WIPO Overview 3.0](#), section 1.11.1; see also *Kinetic Concepts, Inc. v. Sheppard Stetve*, WIPO Case No. [DCO2015-0007](#).

The Panel finds that Complainant has rights in the INRIVER Mark through registration and use demonstrated in the record. The Panel also finds that the disputed domain name is confusingly similar to the INRIVER Mark for the purposes of the Policy because notwithstanding the TLD ".club", the INRIVER Mark is clearly recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant contends that none of the circumstances provided in paragraph 4(c) of the Policy for demonstrating a respondent's rights to and legitimate interests in a domain name are present in this case. Respondent has not rebutted 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.

First, Complainant contends Respondent has no rights or legitimate interests in the disputed domain name because Complainant has no commercial relationship with Respondent, Respondent is not sponsored by or affiliated with Complainant in any way, and Complainant has not given Respondent authority or license to register or use Complainant's trademarks in any manner, including in domain names. Prior UDRP panels have held "in the absence of any license or permission from Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed". See *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#).

Next, Complainant asserts Respondent is not making any legitimate noncommercial or fair use of the disputed domain name, as the disputed domain name falsely suggests an affiliation with the trademark owner or is used as a pretext to obtain commercial gain. As Complainant's attached screen shots of the web pages accessed through the disputed domain name show, the disputed domain name resolves to a carefully crafted "copycat" version of Complainant's Official INRIVER Mark Website to create a false association with Complainant for Respondent's commercial benefit.

Complainant also contends that there is no evidence to suggest that Respondent is commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests under Policy paragraph 4(c)(ii). Respondent, as registrant of the disputed domain name, identified as "leo, christo leo" is not commonly known by the disputed domain name because it clearly bears no resemblance to it. Prior UDRP panels have held where no evidence, including the Whois record for the disputed domain name, suggests that Respondent is commonly known by the disputed domain name, then Respondent cannot be regarded as having acquired rights to or legitimate interests in the disputed domain name within the meaning of Policy paragraph 4(c)(ii). See *Moncler S.p.A. v. Bestinfo*, WIPO Case No. [D2004-1049](#).

On the undisputed record here, Respondent is using the disputed domain name to host a website offering a structured retail platform of products and services configured to impersonate services similar to those offered by Complainant. Respondent's website also makes liberal use of Complainant's registered INRIVER Mark, and even uses the same registered figurative logo as Complainant. It appears clear from the foregoing that Respondent was aware of Complainant's registered trademark and intentionally sought to develop a website to impersonate Complainant and create the false impression that Respondent's site is affiliated with Complainant. Such unauthorized use of the disputed domain name is manifestly illegitimate.

Complainant has established the second element of the Policy.

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 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 also 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.

Complainant contends that Respondent's configuration of the disputed domain name demonstrates a knowledge of and familiarity with Complainant's well-known brand and business by registering a domain name that incorporates the INRIVER Mark in its entirety with the addition only of the disregarded TLD ".club" appended after Complainant's mark. Complainant contends such configuration also shows Respondent's intent to create a false association in the minds of consumers between Respondent's offered platform software services for the sale of retail goods and Complainant's INRIVER Mark platform products because it is implausible that Respondent was not aware of Complainant's INRIVER Mark and its association with its platform software, given the brand's renown - both generally, and in the software business in which Respondent's copycat website purports to operate. The Panel notes there can be no doubt of Respondent's knowledge of Complainant's mark since Complainant shows that Respondent actually sells (or at least, claims to sell) goods in a platform website labeled with the INRIVER Mark and logo on its website. Respondent has thereby intentionally registered a domain name for registration that is confusingly similar to Complainant's trademark, as well as its official domain name. Prior UDRP panels have found a domain name was registered in bad faith where the respondent registered the well-known domain name for the purpose of intentionally attempting to impersonate or mislead in order to commit fraud. See, e.g., *Houghton Mifflin Co. v. The Weathermen Inc.*, WIPO Case No. [D2001-0211](#); *Hachette Filipacchi Presse v. Domains by Proxy, LLC / Al-Rahim International*, WIPO Case No. [D2014-1635](#); *Accor v. Jiangdeyun*, WIPO Case No. [D2011-2277](#).

Prior UDRP panels have also held where the disputed domain name is configured in a manner to wholly incorporate a complainant's mark, as Complainant's Mark is incorporated here, the disputed domain name can only sensibly refer to Complainant; thus, there is no obvious possible justification for Respondent's

selection of the disputed domain name other than registration in bad faith. See *Frankie Shop LLC v. Bgeew Aferg*, WIPO Case No. [D2022-3619](#).

As discussed in greater detail in Section 6.B above, Complainant shows in evidence in the Annexes to its Complaint that Respondent used the disputed domain name to configure a copycat website to impersonate Complainant attempted to attract Internet users seeking Complainant's products through the purported sale by Respondent of competing or possibly counterfeit products at discounted prices constitutes evidence of bad faith use under the well-established principles in the cases decided under the Policy. See [WIPO Overview 3.0](#), section 3.4 and *The Coca-Cola Company v. PrivacyProtect.org/ N/A, Stephen Chukwumaobim*, WIPO Case No. [D2012-1088](#); *Ropes & Gray LLP v. Domain Administrator, c/o DomainsByProxy.com / Account Recievable*, WIPO Case No. [D2020-0294](#).

Complainant also contends Respondent's bad faith is evident from the concealment of its identifying information, and attempts to evade contact using false or inoperative registration data. Complainant shows the contact information on Respondent's website is false because there is no business by the given name in the given location, which location does lead to an actual business address.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith registration and use under the Policy. The Panel finds that the evidence presented here: 1) Respondent's copycat website using Complainant's trademark and logo as well as what appears to be a platform structured for the online sale of retail product similar to the services provided by Complainant to confuse consumers into believing that there is a connection to the Complainant's business and to tarnish the Complainant's trademark; and 2) offering users the possibility to order competing if not counterfeit products promoted on its website, is sufficient for this Panel to find bad faith registration and use. Under these circumstances, there can be little doubt Respondent had actual knowledge of Complainant, targeted Complainant's mark and used its actual knowledge to configure a mimic website for its commercial advantage.

Accordingly, 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 <inriver.club> be transferred to Complainant.

/Scott R. Austin/

Scott R. Austin

Sole Panelist

Date: January 11, 2025