

## **ADMINISTRATIVE PANEL DECISION**

Reliance Retail Limited v. Campa Cola, Campa Beverages Private Limited  
Case No. D2024-5315

### **1. The Parties**

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

The Respondent is Campa Cola, Campa Beverages Private Limited, India.

### **2. The Domain Name and Registrar**

The disputed domain name <campacolafranchise.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 December 27, 2024. On December 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 27, 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 (www.campacolafranchise.com / Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed a first amended Complaint on January 9, 2025. Following the Center's notification that the first amended Complaint was deficient, the Complainant filed a second amended Complaint on January 15, 2025.

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 January 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 11, 2025.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on February 14, 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 was incorporated in 1999 and is part of a large Indian conglomerate, the Reliance Industries Limited group. It is a subsidiary of Reliance Retail Ventures Limited and is the retail arm of the group. The Complainant acquired CAMPA COLA and CAMPA trademarks through a deed of assignment dated August 30, 2022. The previous owner of the mark, Campa Beverages Private Limited, had launched CAMPA COLA in 1970 and sold beverages under the trademark CAMPA. The Complainant after acquiring the brand, re-launched it in March 2023.

The Complainant currently owns registered trademarks for CAMPA marks, including:

Indian trademark mark registration number 331405 for CAMPA stylized mark, registration date December 9, 1977, in class 32.

The Respondent registered the disputed domain name on September 8, 2024, which is about a year and a half after the Complainant had re-launched the brand. The disputed domain name has been used by the Respondent for hosting a website that offered franchising, dealership or distributorship for the Complainant's products. The Respondent's website displayed details regarding the franchising, dealership or distributorship being offered. The Respondent's website also displayed pictures of the CAMPA drinks, and a stylized logo for CAMPA.

The website also has a form for interested parties to communicate with the Respondent for allegedly obtaining dealership, distributorship or franchise for the Complainant's products. The form is titled "Campa Cola Franchise, Campa Cola Dealership & Distributorship Apply" and interested persons need to fill in various information and details. The website also displayed that the "Average margin of Campa Cola Franchise: 20% (changes time to time)".

Details requested from parties included shop type, investment plan and other personal details, such as identity proof, photograph, email address, mobile number and bank details. Further a set of eligibility details such as age, qualifications, required space, experience and the amount of investment required for rural and urban areas were also listed on the Respondent's website. At the time of filing of the present Complaint, the website was taken down by the Respondent (Annex 16 of the Complaint shows that on December 24, 2024 the website cannot be reached).

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that its customer operations were started in 2006 and it is presently one of the largest retailers in India. The Complainant states that it is ranked 53 in Top Global Retailers and is the only Indian retailer to feature in the top 100. The Complainant states that it holds various intellectual property rights pertaining to the retail segment. The Complainant states that the RELIANCE trademark and logo is used as an umbrella mark by its companies. The Complainant contends that it operates 18,040 stores across 7000 towns as of March 31, 2023 and has about 780 million footfalls with 249 million registered customers in the year 2023. The Complainant has provided evidence of its annual turnover for the financial year 2022-2023.

The Complainant contends that the CAMPA COLA brand was acquired in 2022 as its group believes that Indian brands have a rich heritage and connection with Indian consumers due to unique tastes and flavors. The Complainant further states that this is reflected in the brand's tag line "The Great Indian Taste". The relaunch of the brand also aims to penetrate the growing consumer market. The Complainant has provided evidence showing that the news of acquisition and re-launch of the CAMPA brand by the Complainant was reported by the media on August 31, 2022. The Complainant has filed evidence of media reports and of its promotion of the mark.

The Complainant states that due to long and extensive use the CAMPA mark by its predecessor in business since 1970, and its subsequent use by the Complainant, the mark has acquired goodwill and is widely known and reputed. The Complainant contends that the disputed domain name is confusingly similar to its mark.

The Complainant argues that the Respondent lacks rights or legitimate interests in the disputed domain name. Notably, the Complainant contends that the Respondent has intentionally attempted to mislead and attract for commercial gain, Internet users to the Respondent's website creating a likelihood of confusion with the Complainant's trademark, which is bad faith registration and use of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant in these proceedings is required to establish three elements under paragraph 4(a) of the Policy for transfer of the disputed domain name, these are:

- (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 lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the Respondent.

### **A. Identical or Confusingly Similar**

The first element requires the Complainant to establish the disputed domain name is confusingly similar to a trademark or a service mark in which it has rights. 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 provided evidence of its registered rights in the trademark. Registered trademark rights are prima facie evidence of rights in a mark. The Complainant has established rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Although the addition of other term "colafranchise" may bear on assessment of the second and third elements, the Panel finds the addition of the 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 mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. 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 a prima facie case 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 name of the registrant is shown as “Campa Cola, Campa Beverages Private Limited” in the registration records, the Respondent ostensibly has deliberately used as the registrant organization the name of the Complainant’s predecessor in title who previously owned the registered trademark rights in CAMPA to mislead Internet users and persons looking for franchising opportunities for the Complainant’s products online. The material and evidence on record does not indicate that the Respondent is commonly known by the disputed domain name or “Campa Beverages Private Limited”. For completeness, the Panel notes that the website also offered to start “your path as a Campa Cola distributor”, and that, while UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, such fair use is qualified under the so-called “Ok! Data” test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). Here the Panel finds that the use of the mark in the disputed domain name and on the corresponding website by the Respondent is misleading and the lack of any authorization by the Complainant, and similarly, the lack of any information on the disputed domain name as to the website’s lack of authorization or relation to the Complainant, renders any fair use safe haven inapplicable in this instance.

Given the circumstances described, and from the evidence on record, it is apparent that the Respondent by using the Complainant’s trademark is trying to obtain financial gain by impersonating and posing as the Complainant. In short, fraudulently trying to derive information from unsuspecting Internet users under the false impression that they are dealing with the Complainant, including their personal details and bank details, is neither bona fide nor legitimate use of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity or illegal activity, such as impersonation or 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 third element under paragraph 4(a)(iii) of the Policy requires the Complainant to establish the disputed domain name has been registered and used in bad faith by the Respondent. The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy specifies circumstances, in particular, but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, as follows:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for 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 respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has 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 the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the disputed domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's 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 the respondent's website or location or of a product or service on the respondent's website or location.

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.

The Panel finds there is sufficient material to support the Complainant's arguments that the Respondent has registered and used the disputed domain name in a manner as described under paragraph 4(b)(iv) of the Policy. It is not likely that the Respondent composed the disputed domain name without intending to create an implied association with the Complainant.

The evidence filed by the Complainant shows that the disputed domain name, which contains the Complainant's mark, has been used by the Respondent in connection with a website that falsely offered franchise, distributorship and dealership of the Complainant's products. The registration and use of the disputed domain name, under such circumstances is indicative of the Respondent's intent to mislead Internet users by misrepresenting and creating a false impression of connection with the Complainant to unjustly profit and benefit from the reputation associated with the mark.

Panels have held that the use of a disputed domain name for illegal activity, such as impersonation/passing off, and or fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record the Panel concludes that the Respondent's registration and use of the disputed domain name targets the Complainant's reputed mark and creates a likelihood of confusion among Internet users, and is likely to disrupt the business of the Complainant which is bad faith under the Policy.

It has been consistently found by UDRP panels that the registration of a confusingly similar domain name that contains a reputed trademark, by someone who is not affiliated with the owner of the trademark and has not shown good reason for registration of the disputed domain name or its legitimate use, can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. Intentionally using the Complainant's trademark in the disputed domain name for purposes of misleading and attracting Internet users constitutes bad faith. The previous use of the disputed domain name and the subsequent taking down of the website by the Respondent, under the circumstances discussed constitutes bad faith registration and use of the disputed domain name.

The Panel finds for the reasons discussed that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Complainant has established the third element of the Policy and has satisfied the requirements under the Policy for a transfer of the disputed domain name.

## **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 <campacolafranchise.com> be transferred to the Complainant.

*/Harini Narayanswamy/*

**Harini Narayanswamy**

Sole Panelist

Date: February 28, 2025