

ADMINISTRATIVE PANEL DECISION

Kingfisher plc v. Name Redacted

Case No. D2025-0124

1. The Parties

The Complainant is Kingfisher plc, United Kingdom, internally represented.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <kingfisherplc.group> (the “Disputed Domain Name”) is registered with Amazon Registrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 14, 2025. On January 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 14, 2025, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 15, 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 an amended Complaint on January 16, 2025.

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”).

¹ The Respondent appears to have used the name of one of the Complainant’s employees when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#)

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 12, 2025.

The Center appointed Michael D. Cover 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 is an international home improvement retailer and was founded in 1982. The Complainant has multiple retail brands under its umbrella, including SCREWFIX, B&Q, BRICO DEPOT and CASTORAMA. The Complainant has a network of over 1,900 stores and over GBP 12.98 billion of sales in 8 countries for the year ending January 31, 2024, and employs over 78,000 employees. The Complainant operates a website at "www.kingfisher.com".

The Complainant is the proprietor of numerous registered trademarks for KINGFISHER in many countries. These include:

European Union No. 001539139 KINGFISHER dated December 19, 2002, in Classes 35, 36, 41 and 42.

United Kingdom No. UK00901539139 KINGFISHER dated December 19, 2002, in Classes 35, 36, 41 and 42.

United Kingdom No. UK00002261399 KINGFISHER dated January 30, 2004, in Class 16.

The Disputed Domain Name was registered on November 13, 2024.

The Disputed Domain Name directs the user to a webpage with the text stating:

"This page isn't working. Kingfisherplc.group didn't send any data".

The Disputed Domain Name was also used in connection with fraudulent emails to one of the Complainant's suppliers from an individual purporting to be one of the Complainant's employees.

All that is known about the Respondent is set out above.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Identical or Confusingly Similar

The Complainant notes that all of the Complainant's above trademarks were registered before the registration of the Disputed Domain Name, which was registered in November 2024.

The Complainant submits that the Disputed Domain Name comprises the word "Kingfisher" and an additional generic term and that, in <kingfisherplc.group>, the addition of "plc" refers to a public limited company. The

Complainant continues that the Complainant is a plc and that unsuspecting existing or potential new suppliers could therefore and have mistaken the Disputed Domain Name as being connected to the Complainant, which it is not.

The Complainant concludes that the Disputed Domain Name must therefore be considered identical or at least very highly similar to the Complainant's trademarks.

Rights or Legitimate Interests

The Complainant notes that the Disputed Domain Name directs the user to a webpage with the text stating "This page isn't working. KIngfisherplc.group didn't send any data", with a screenshot of the Disputed Domain Name website being attached to the Complaint as Annex 7 to the Complaint.

The Complainant submits that the Disputed Domain Name incorporates the Complainant's trademark in full and without any other distinctive element, and that the Disputed Domain Name is such that it could never be used for a legitimate purpose by any other party than the Complainant. The Complainant also submits that any such third-party use would inevitably confuse visitors into believing that the Disputed Domain Name was registered to, operated or authorized by, or otherwise connected with the Complainant and submits that this was clearly the Respondent's intention.

The Complainant concludes that the Respondent therefore has no legitimate business interest or rights in respect of the Disputed Domain Name.

Registered and Used in Bad Faith

The Complainant notes that, shortly after the date of registration of the Disputed Domain Name, the Complainant was alerted to fraudulent activity, which used an email address associated with the Disputed Domain Name. The Complainant sets out that the first instance of which the Complainant was notified occurred on December 3, 2024, when a request was submitted to a supplier of the Complainant by email from an individual posing as a "Group Purchasing Manager" at the Complainant using the email address "[firstname]@kingfisherplc.group". The email requested an offer for various products. There followed numerous exchanges between the supplier and this individual.

The Complainant submits that the aim of the above fraudulent activity is obviously to convince the targeted supplier to deliver the ordered products to a location where they could be collected by the individual concerned, the natural assumption being that payment would never be made, and the supplier would thereby realise that it had been scammed and would alert the Complainant to what had happened.

The Complainant concludes that, for the reasons set out, the Respondent has registered and is using the Disputed Domain Name in bad faith and most likely for fraudulent purposes or purposes of criminal activity.

The Remedy requested by the Complainant

The Complainant requests that the Administrative Panel appointed in this administrative proceeding decide that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, that the

Respondent has no rights or legitimate interests in the Disputed Domain Name, and that the Disputed Domain Name has been registered and is being used in bad faith.

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 its trademark 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. Accordingly, the Disputed Domain name is confusingly similar to the mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "plc", 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 Complainant's KINGFISHER trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. It is also well-established in UDRP jurisprudence that the applicable generic Top-Level-Domain ("gTLD"), here ".group", is a standing requirement and is to be ignored in considering confusing similarity.

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.

Panels have held that the use of a disputed domain name for illegal activity, here, phishing and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Accordingly, the Respondent has not demonstrated, before notice to the Respondent of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services; or that the Respondent has been commonly known by the Disputed Domain Name; or that the Respondent was making legitimate noncommercial use or fair use of the Disputed Domain Name, without intent, for commercial gain, to misleadingly divert consumers or to tarnish the Complainant's trademark.

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.

In the present case, the Panel notes that the Respondent has engaged in behavior to disrupt the business of the Complainant.

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, here phishing and impersonation/passing off 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 <kingfisherplc.group> be transferred to the Complainant.

/Michael D. Cover/

Michael D. Cover

Sole Panelist

Date: February 17, 2025