

ADMINISTRATIVE PANEL DECISION

ELLOS AB v. 毛宋莹, 杨显婷, 李芳臣, 苏剑锐, 杜曼, 张坤, hai tuo
Case No. D2025-0354

1. The Parties

Complainant is ELLOS AB, Sweden, represented by Zacco Sweden AB, Sweden.

Respondents are 毛宋莹, China, 杨显婷, China, 李芳臣, China, 苏剑锐, China, 杜曼, China, 张坤, China, and hai tuo, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <elloshandla.com>, <elloslagra.com>, <ellosrabatt.com>, <ellossale.com>, <ellossalemail.com>, <ellosvip.com>, and <vipellos.com> (the “Domain Names”) are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On January 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on February 4, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the 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. Complainant filed an amendment to the Complaint on February 5, 2025.

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 Respondents of the Complaint, and the proceedings commenced on February 11, 2025. In accordance with the Rules,

paragraph 5, the due date for Response was March 3, 2025. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on March 7, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on March 12, 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

Complainant is part of Ellos Group AB ("Ellos Group"), a company group founded in 1947 in the manufacturing and commerce business. Today, Ellos Group is headquartered in Borås, Sweden, and offers fashion and home furnishings in the Nordic region, Europe and elsewhere. It has 2.2 million active customers, employing around 550 employees, with annual sales of approximately SEK 3.4 billion.

Ellos Group operates several brands and e-commerce platforms, including ELLOS, JOTEX, HOME ROOM, and ELPY. The ELLOS e-commerce site, "www.ellos.com", and its country-code equivalents, offers fashion and home furnishings across Denmark, Finland, Norway, Sweden, and the United States of America ("United States"). These sites had, in combination, over 72 million visitors in 2017, offering internal and over 700 external brands on the ELLOS websites. Complainant ELLOS AB owns and operates its official websites of Ellos via "www.ellos.com"; and Ellos Group AB via "www.ellosgroup.com".

Complainant owns numerous registered trademarks across several jurisdictions, including:

- Swedish registered trademark number 47393 for the ELLOS word mark, registered on November 11, 1936;
- European Union registered trademark number 000088815 for the ELLOS word mark, registered on June 25, 2003;
- United States registered trademark number 3822643 for the ELLOS word mark, registered on July 20, 2010; and
- Chinese registered trademark number 6806152 for the ELLOS word mark, registered on April 28, 2010.

The Domain Names were registered on the following dates:

Domain Name	Registration Date
<ellosehandla.com>	November 11, 2024
<ellosehagra.com>	November 14, 2024
<elloseh Rabatt.com>	November 15, 2024
<ellosehale.com>	November 6, 2024
<ellosehalemall.com>	November 4, 2024
<ellosehvip.com>	November 15, 2024
<vipellos.com>	November 4, 2024

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

On or around January 21, 2025, Complainant sent seven separate trademark infringement notices to registrants of each of the Domain Names, notifying them that their respective Domain Name or content was infringing on a trademark or violating local laws or regulations. No response from Registrants was received.

5. Parties' Contentions

A. Complainant

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

Complainant contends that (i) the Domain Names are confusingly similar to Complainant's 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, Complainant contends that it has trademark registrations and rights for ELLOS and that Respondents registered and are using the Domain Names with the intention to confuse Internet users looking for bona fide and well-known ELLOS products and services.

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

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

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

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondents have 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 Respondents have failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

6.1. Preliminary Issue: Consolidation

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

Complainant contends that Domain Names are under common ownership and/or control because the Domain Names were all registered within a short period of time; they all incorporate Complainant's registered trademark ELLOS and use the same name servers provider; they all resolve to similar websites, each of which utilized the ELLOS trademarks, all without authorization from Complainant.

The Domain Name registrants did not comment on Complainant's 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 Complainant's 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 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 registration date of the Domain Names all within a short period of between November 4 and 15, 2024; the registration of the Domain Names with the same registrar; similarities in the websites at each of the Domain Names, the similar composition of the Domain Names, the use of similar websites at all seven Domain Names to sell fashion items such as clothing, which are in the same business or industry as Complainant.

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

Complainant has provided evidence of its rights in the ELLOS trademarks, as noted above. Complainant has also submitted evidence which supports that the ELLOS trademarks are widely known and a distinctive identifier of Complainant's products and services. Complainant has therefore proven that it has the requisite rights in the ELLOS trademarks.

With Complainant's rights in the ELLOS trademarks established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the Top-Level Domain ("TLD") in which they are registered (in this case, ".com"), are identical or confusingly similar to Complainant's 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 Complainant's ELLOS trademarks. These ELLOS trademarks are recognizable in the Domain Names.

In particular, the Domain Names' inclusion of Complainant's ELLOS trademarks in its entirety, in each case, with an addition of various terms such as "handla" (meaning "shop" in Swedish), "lagra" (meaning "store" or "warehouse" in Swedish), "rabatt" (meaning "discount" in Swedish), "sale", "salemall" and "vip" does not prevent a finding of confusing similarity between each of the Domain Names and the ELLOS trademarks. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that Complainant has 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 Complainant and its ELLOS trademarks, and does not have any rights or legitimate interests in the Domain Names. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the ELLOS trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the ELLOS 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 directed to similar websites that offered products which are in the same business and industry as Complainant.

In particular, the Domain Names each resolved to similar websites, each featuring fashion items such as clothing and shoes, which are in the same business and industry as Complainant, using Complainant's ELLOS trademark in combination with terms in Scandinavian language, such as "handla" (meaning "shop" in Swedish), "lagra" (meaning "store" or "warehouse" in Swedish), "rabatt" (meaning "discount" in Swedish), in the Domain Name and offering pricing in local Scandinavian currency by several of the websites – when Complainant operates mainly in the Nordic region, including Sweden, and using images obtained from Complainant's website, without any authorization or any disclaiming statement as to the lack of relationship with Complainant. Moreover, the record shows that websites corresponding to each of the Domain Names offer no contact details.

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](#). At the time of the Decision, all the Domain Names directed to an error or inactive page.

Accordingly, Complainant has 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 Complainant has met its 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 Complainant has provided ample evidence to show that registration and use of the ELLOS trademarks long predate the registration of the Domain Names. Complainant is also well established and known. Indeed, the record shows that Complainant’s ELLOS 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 ELLOS 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 Complainant’s ELLOS trademark in its entirety, in each case, with an addition of various terms as noted above, in relation to the products associated with Complainant’s trademarks, reflects the potentially heightened confusion caused to Internet users when such customers are looking for Complainant’s 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 Complainant’s 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 Complainant’s trademarks and offering fashion items such as clothing and shoes, which are in the same business and industry as Complainant. Such use of Complainant’s trademarks at the time of registration of the Domain Names is evident of Respondent’s awareness of Complainant’s 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 Complainant’s business and potentially damaging to Complainant’s reputation and goodwill, particularly because their use is in the same business and industry as Complainant’s, for activities for which Complainant’s trademarks are well-known, and is evidence of bad faith.

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 Complainant succeeds 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 <elloshandla.com>, <elloslagra.com>, <ellosrabatt.com>, <ellossale.com>, <ellossalemall.com>, <ellosvip.com>, and <vipellos.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: March 24, 2025