

ADMINISTRATIVE PANEL DECISION

Elkjøp Nordic AS v. Jordan Pipiads, JORPIPI
Case No. D2025-0599

1. The Parties

The Complainant is Elkjøp Nordic AS, Norway, represented by Zacco Sweden AB, Sweden.

The Respondent is Jordan Pipiads, JORPIPI, France.

2. The Domain Name and Registrar

The disputed domain name <elgigaten-denmark.com> is registered with eNom, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 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 amendment to the Complaint on February 21, 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 the Respondent of the Complaint, and the proceedings commenced on February 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 19, 2025.

The Center appointed Anna Carabelli as the sole panelist in this matter on March 26, 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

As per undisputed evidence submitted with the Complaint, the Complainant is a Norwegian company group founded in 1962 and is part of Currys Group Ltd. (formerly known as DSG Retail Ltd.), a leading multinational consumer electrical and mobile retailer and services company, employing over 25,000 people in six countries.

With around 10,400 employees and 430 stores, the Complainant is one of the largest electronics retailers in the Nordic countries, with retail businesses established in Norway, Sweden, Denmark, and Finland, and franchise operations in Greenland, Iceland and the Faroe Islands.

The Complainant was established in Sweden as Elgiganten AB in 1993 and in Denmark as Elgiganten A/S also in 1993, wholly owned subsidiary of the Complainant.

The Complainant's related entities are the owners of numerous registrations for the mark ELGIGANTEN, including the following:

- Danish Trademark Registration No. VR 2005 01853, registered by Elgiganten A/S on May 24, 2005, in respect of goods and services in classes 7, 8, 9, 11, 21, 35, 36, and 37;
- European Union Trademark Registration No. 005908678, registered by Elgiganten A/S on May 30, 2008, in respect of goods and services in classes 7, 8, 9, 11, 21, 35, 36, and 37; and
- European Union Trademark Registration No. 011148913, registered by Currys Group Ltd. on March 6, 2013, in respect of goods and services in classes 7, 8, 9, 11, 14, 16, 20, 21, 28, 35, and 37.

The disputed domain name was registered on December 16, 2024. As per the undisputed evidence provided with the Complaint, the disputed domain name resolved to a website mimicking the Complainant's official website, by using the Complainant's color scheme, graphical layout, and copyrighted content, and by including a "© 2025 Elgiganten Denmark" website footer. At the time of this Decision, the disputed domain name resolves to an inactive webpage displaying a notice that the site can't be reached.

On February 11, 2025, the Complainant sent a cease-and-desist letter to the Respondent. No response was received.

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.

Notably, the Complainant contends that:

- Due to its extensive use, advertising, and revenue associated, the Complainant's ELGIGANTEN trademark is distinctive and well known worldwide, as recognized in previous UDRP decisions (such as *Elkjøp Nordic A/S v. Svenska Dator AB*, WIPO Case No. [D2010-1018](#); *Elkjøp Nordic A/S v. Svenska Datorsystem AB*, WIPO Case No. [DNU2010-0002](#); *Elkjøp Nordic A/S v. Name Redacted*, WIPO Case No. [D2013-1285](#); *Elkjøp Nordic AS v. Privacy Service provided by Withheld for Privacy EHF / Jessica Williams*, WIPO Case No. [D2022-1514](#); *Elkjøp Nordic AS v. Mette Frederiksen*, WIPO Case No. [D2023-4327](#); and *Elkjøp Nordic AS v. IWS LTD*, WIPO Case No. [D2024-2030](#));

- The disputed domain name is confusingly similar to the Complainant's trademark, since it includes the Complainant's mark with a confusingly similar misspelling (consisting of the omission of the letter "n" between the letters "a" and "t" in the mark, i.e., "elgigaten") and the addition of the geographical term "denmark";
- The Respondent has no rights or legitimate interests in the disputed domain name since the Complainant has not authorized or somehow given consent to the Respondent to register the disputed domain name, and the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. Instead, the Respondent has intentionally chosen the disputed domain name to generate traffic and income through its website where the Respondent falsely claims to be, or least represent the Complainant; and
- The disputed domain name was registered and is being used in bad faith.

Based on the above the Complainant requests 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

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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 has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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. As the Complainant's wholly owned subsidiary is the owner of the ELGIGANTEN trademark registrations mentioned above in the Factual Background, the Panel considers that the Complainant has standing to bring this UDRP proceeding. In this regard, reference is made to section 1.4.1 of [WIPO Overview 3.0](#), according to which a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint.

The Panel finds the mark is recognizable within the disputed domain name. The dominant part of the disputed domain name is virtually identical to the Complainant's ELGIGANTEN trademark except for the omission of the letter "n" between the letters "a" and "t", i.e.: "ELGIGATEN". This is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the mark, and a typical case of typosquatting. In the Panel's view the omission of the letter "n" results to be a common, obvious, or intentional misspelling of the Complainant's trademark, and cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the disputed domain name contains sufficiently recognizable aspects of the relevant mark. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark ELGIGANTEN. [WIPO Overview 3.0](#), section 1.9.

The addition of the Top-Level Domain, such as ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms, here the geographical term "-denmark", 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 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.

Additionally, the composition of the disputed domain name (comprising a misspelled version of the Complainant's ELGIGANTEN trademark) and the content of the website at the disputed domain name create a risk of Internet user confusion. Panels have held that the use of a domain name for illegal activity like passing off and impersonation, as it is the case here, 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.

In the present case, the Panel accepts that the Complainant's ELGIGANTEN mark is distinctive and well known, as recognized in various prior UDRP decisions. In view of the well-known character of the ELGIGANTEN trademark, it is difficult to believe that the Respondent did not have in mind the Complainant's trademark when registering the disputed domain name. Moreover, it results from the Complainant's documented allegations that the disputed domain name resolved to a website where the Respondent falsely claimed to be the Complainant or the Complainant's affiliate by using the Complainant's graphical layout and copyrighted content on the website, and by including a "© 2025 Elgiganten Denmark" in the website footer. For the Panel, it is therefore evident that the Respondent was aware of and sought to imitate the Complainant's mark when it registered the disputed domain name. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

On the balance of probabilities, and in the absence of any evidence to the contrary, the Panel concludes that the Respondent set out to target the Complainant and to deceive users by engaging in a typosquatting scheme, adopting a domain name with a slight misspelling of the Complainant's mark, with an intention to divert Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product on its website. This is evidence of bad faith under paragraph 4(b)(iv) of the Policy.

The fact that the disputed domain name does not currently point to an active website and merely resolves to a webpage stating that the site cannot be reached, does not prevent a finding of bad faith under the passive holding doctrine given the totality of the circumstances in the present case. [WIPO Overview 3.0](#), section 3.3.

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 <elgigaten-denmark.com> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: April 9, 2025