

## **ADMINISTRATIVE PANEL DECISION**

Elkjøp Nordic AS v. Boxer  
Case No. D2025-1433

### **1. The Parties**

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

The Respondent is Boxer, United States of America.

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

The disputed domain names <elgigantensovip.top> and <elgigantenswvip.top> are registered with Dominet (HK) Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 9, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on April 11, 2025, providing the registrant and contact information disclosed by the Registrar.

The Center verified that 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 April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 11, 2025.

The Center appointed Lorenz Ehrler as the sole panelist in this matter on May 19, 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

Elkj p Nordic AS is a Norwegian company and one of the largest electronics retailers, with 430 stores, in the Nordic countries, with activities in particular in Norway, Sweden, Denmark and Finland. It employs around 10,400 people and operates among other things under the ELGIGANTEN brand. The Complainant is part of Currys Group Ltd. (formerly known as DSG Retail Ltd.), a leading multinational consumer electrical and mobile retailer and services company. In Sweden established as Elgiganten AB in 1993 and in Denmark as Elgiganten A/S also in 1993, both of which are wholly-owned subsidiaries of the Complainant.

The Complainant's related entities own several trademarks for ELGIGANTEN, in particular:

- Danish word trademark ELGIGANTEN, nr. VR 2005 01853, registered by Elgiganten A/S on May 24, 2005;
- European Union word trademark ELGIGANTEN, nr. 005908678, registered by Elgiganten A/S on May 30, 2008; and
- European Union device trademark ELGIGANTEN, nr. 011148913, registered by Currys Group Limited on March 6, 2013.

The disputed domain names were both registered on February 13, 2025 and thus clearly at a date posterior to the filing and registration of the Complainant's trademarks. They resolve to login pages that contain the trademark ELGIGANTEN.

#### 5. Procedural Issues

The Complaint has been filed by Elkj p Nordic AS, which is not the registered owner of the trademarks put forward in the Complaint, but in the name of its parent company and of subsidiaries, respectively, which raises the question of standing. In accordance with [WIPO Overview 3.0](#), section 1.4.1, "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." Some panels have concluded that the same holds true for a parent company filing a UDRP case on the basis of rights held in the name of one of the companies or brands under its corporate umbrella. (see e.g., *Elkj p Nordic AS v. Jordan Papiads*, JORPIPI, WIPO case No. [D2025-0599](#) and *Elkj p Nordic AS v. Boxer*, Boxer, WIPO case No. [D2025-0600](#)). The Panel thus concludes that the Complainant has standing to file the Complaint.

#### 6. 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 names.

Notably, the Complainant contends that the disputed domain names, <elgigantensovip.top> and <elgigantenswvip.top>, are confusingly similar to its ELGIGANTEN trademarks.

Furthermore, the Complainant states that the Respondent is not affiliated with its group and that no license has been granted to the Respondent to use the Complainant's trademarks. Also, the Respondent does not use the disputed domain names otherwise than to host two identical and fraudulent login pages.

Lastly, the Complainant contends that the Respondent registered and "uses" the disputed domain names in bad faith, precisely by using them for fraudulent login pages.

## **B. Respondent**

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

## **7. Discussion and Findings**

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) The disputed domain name registered by the Respondent 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.

### **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 (see [WIPO Overview 3.0](#), section 1.2.1. and section 5 above).

The existence of confusing similarity within the meaning of paragraph 4(a) of the Policy is not in doubt in the present case, given that the main element in the disputed domain names, i.e., "elgiganten", is identical with the Complainant's distinctive trademark ELGIGANTEN. The incorporation of a trademark in its entirety is typically sufficient to establish that a disputed domain name is identical or confusingly similar to a trademark. The additional elements "sowip" and "swvip" seem to have no meaning and are not sufficient to avoid confusing similarity.

As far as the generic Top-Level Domain ("gTLD") ".top" is concerned, this element has a technical function and therefore is typically not taken into account when assessing the issue of identity or confusing similarity.

The Panel thus finds that the disputed domain names are confusingly similar with the Complainant's trademark ELGIGANTEN.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain names, in particular that the Respondent has not at any time been commonly known by the disputed domain names and the Respondent is not making legitimate use of said disputed domain names. The Complainant clearly states that it has not granted the Respondent any rights to use its trademarks.

UDRP panels found in previous decisions that in the absence of any license or permission from the Complainant to use widely-known trademarks, no bona fide or legitimate use of a disputed domain name may reasonably be claimed (*LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

Furthermore, by not submitting any response to the Complaint, the Respondent failed to invoke any circumstance that might demonstrate, pursuant to paragraph 4(c) of the Policy, that it holds any rights or legitimate interests in the disputed domain names. See *Ahead Software AG. v. Leduc Jean*, WIPO Case No. [D2004-0323](#).

Last, but not least, the Complainant rightly points out that operating a login page that creates the impression of an affiliation with the Complainant's group by using the Complainant's trademark (including the ELGIGANTEN device mark), the color scheme, logotype and a footer that says "@ Copyright elgiganten 2024" is more than unlikely to be a bona fide use ([WIPO Overview 3.0](#), section 2.13.1). Where the Respondent cannot possibly use the disputed domain names in good faith, it is obvious that they do not have any rights or legitimate interests in the disputed domain names.

Accordingly, the Panel finds that the Complainant has shown that the Respondent does not have any rights or legitimate interests in the disputed domain names.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy provides that the Complainant must, in addition to the matters set out above, demonstrate that the disputed domain name has been registered and is being used in bad faith.

The undisputed prima facie evidence establishes that the Respondent is not affiliated with the Complainant and has no license or other authorisation to use the Complainant's trademark.

The Respondent registered the disputed domain names well after the Complainant's trademark was in use. The Panel finds that the Respondent must have known about the Complainant's trademark and business when registering and using the disputed domain names. This Panel considers that the disputed domain names for themselves, combined with the use of the Complainant's ELGIGANTEN logo, its color scheme and logotype etc., are strong indications that the Respondent was aware of the Complainant's trademark ELGIGANTEN, as it seems more than unlikely that the Respondent would have created – randomly – the disputed domain names and the other features mentioned above (cf. *Motul v. Contact Privacy Inc. Customer 0138693539 / Konstantin Speranskii*, WIPO Case No. [D2016-2632](#)).

Any remaining doubt in this respect can be excluded when considering the fact that the Respondent, on the login pages operated under the disputed domain names, invites visitors to insert their – ELGIGANTEN – login information, which clearly points to fraudulent activities, in particular to an unlawful appropriation and misuse of third parties' login credentials. This shows indeed that the Respondent registered the disputed domain names in view of a fraudulent scheme, which implies that they were well aware of the Complainant's company and trademark.

Previous UDRP panels have recognized that one of the ways in which domain names may be used is in connection with fraud schemes. The bad faith provisions of the Policy at paragraph 4(b) are not exhaustive and, in this particular case, the Panel finds the Respondent is most likely committing fraud by resolving the disputed domain names to a login page prominently displaying the Complainant's trademark. This is a well-recognized bad faith violation under the Policy per past decisions. See [WIPO Overview 3.0](#), section 3.4; and *Accenture Global Services Limited v. Patel Holdings*, WIPO Case No. [D2016-0367](#); and also *Stichting BDO v. Contact Privacy Inc. Customer 12412517546 / Williams Nicole, BDO USA*, WIPO Case No. [D2022-1033](#); *QlikTech International AB v. 林雪*, WIPO Case No. [D2024-2673](#).

This Panel therefore holds the view that the disputed domain names were registered and used in bad faith. The Complainant therefore has established registration and use of the disputed domain names in bad faith.

The Panel finds the third element of the Policy has been established.

## **8. 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 names <elgigantensovip.top> and <elgigantenswvip.top> be transferred to the Complainant.

*/Lorenz Ehrler/*

**Lorenz Ehrler**

Sole Panelist

Date: May 21, 2025