ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
The Swatch Group AG and Swatch AG v. SKS Props
Case No. D2025-1550

1. The Parties

The Complainant is The Swatch Group AG and Swatch AG, Switzerland, self-represented.

The Respondent is SKS Props, United States of America (the "U.S.").

2. The Domain Name and Registrar

The disputed domain name <swatchgroup-us.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 16, 2025. On April 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 18, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 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 April 23, 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").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2025.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on June 3, 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 Complainants are The Swatch Group AG and Swatch AG (hereinafter, the "Complainant"). The Complainant is a leading global manufacturer and retailer of watches, jewelry, and associated products and services. It was established in 1983 and owns or controls several renowned watch brands, including SWATCH.

The Complainant owns numerous trademark registrations for the mark SWATCH in jurisdictions around the world. For the purposes of this proceeding, the Complainant relies in particular on the following trademark registrations:

- Swiss Trademark SWATCH GROUP, Registration No. 596749, registered on February 11, 2010, in international class 35,36,37,38,41,42,43,45.

- U.S. Trademark SWATCH (figurative), Registration No. 1356512, registered on August 27, 1985, in international class 14.

- Chinese Trademark SWATCH (figurative), Registration No. 232954, originally registered in class 14 and reflecting a change of name/address filed in 2007.

- European Union Trademark SWATCH, Registration No. 000226316, registered on November 12, 1998, in class 14.

The Complainant also owns and operates numerous domain names incorporating the SWATCH trademark, including <swatchgroup.com>, and it is active in both traditional retail and e-commerce channels worldwide. The SWATCH trademark is extensively advertised, enjoys widespread recognition, and has been in continuous use for decades.

The disputed domain name <swatchgroup-us.com> was registered on April 10, 2025. The disputed domain name, at the time of filing of the Complaint, resolved to a hosting page of the Registrar.

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 the disputed domain name <swatchgroup-us.com> reproduces the well-known and distinctive trademarks SWATCH and SWATCH GROUP.

Notably, the Complainant argues that the disputed domain name is confusingly similar to its well-known SWATCH trademarks. The disputed domain name incorporates the SWATCH and SWATCH GROUP trademark entirely, coupled with generic terms such as "us". It is established that the addition of such generic terms does not diminish the likelihood of confusion.

The Complainants further assert that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never authorized the Respondent to use its trademarks, and the Respondent is neither commonly known by the disputed domain name nor engaged in any bona fide offering of goods or services under it.

The Complainant also asserts that the disputed domain name was registered and is being used in bad faith. The disputed domain name does not resolve to an active website. Nevertheless, it incorporates the Complainant's well-known SWATCH trademark and creates a high risk of implied affiliation.

Accordingly, the Complainant requests that the Panel order the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

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.

The disputed domain name <swatchgroup-us.com> incorporates the Complainant's SWATCH GROUP trademark along with the term "us", which does not prevent a finding of confusing similarity. According to established precedent, the inclusion of a trademark in its entirety is sufficient to establish confusing similarity, and the addition of other terms/marks does not prevent a finding of confusing similarity.

The Panel finds the trademark 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.

Although the addition of other terms (here, "-us") may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

The Complainant has not authorized the Respondent to use the trademarks SWATCH or SWATCH GROUP in any way, and there is no evidence that the Respondent is commonly known by the disputed domain name. The disputed domain name carries a risk of implied affiliation, which cannot give rise to any rights or legitimate interests.

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 Complainant's trademarks have been registered many years before the registration of the disputed domain name and that the Respondent has not linked the disputed domain name to any active website. There is no evidence of any legitimate use or demonstrable preparations to use the domain name. Given the highly specific nature of the disputed domain name <swatchgroup-us.com>, which directly references the Complainant's well-known trademarks SWATCH and SWATCH GROUP and evokes the existence of an official U.S. branch, the Panel finds that it is not possible to conceive of any plausible use of the disputed domain name that would not be misleading.

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 found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and global reputation of the Complainants' trademarks, and the composition of the disputed domain name, which targets the Complainant's brand and geographic location. In the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of 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 <swatchgroup-us.com> be transferred to the Complainant.

/Eva Fiammenghi/
Eva Fiammenghi
Sole Panelist
Date: June 17, 2025