

ADMINISTRATIVE PANEL DECISION

Unityforce Global Pte. Ltd v. iaco ind
Case No. D2025-2497

1. The Parties

The Complainant is Unityforce Global Pte. Ltd, Singapore, represented by FPS Rechtsanwaltsgesellschaft mbH & Co. KG, Germany.

The Respondent is iaco ind, Czech Republic.

2. The Domain Name and Registrar

The disputed domain name <outlet-creamdeluxe.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2025. On June 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 28, 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 June 30, 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 July 1, 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 July 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 23, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on July 30, 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 sells canisters of nitrous oxide intended for use in professional kitchens, in particular to make whipped cream, cocktails, etc.

The Complainant owns trade mark registrations for the CREAM DELUXE mark. The Complainant owns the European Union Trademark Registration No. 018578234 for CREAM DELUXE in Classes 1 and 6, registered on January 27, 2022, and the European Union Trademark Registration No. 018578228 for



in Classes 1 and 6, registered on January 29, 2022 (the "Complainant's Trademark").

The Disputed Domain Name was registered on January 25, 2024, a few years after the Complainant registered the Complainant's Trademark. At the time of filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to a website that describes itself as "Outlet Cream Deluxe" which offers for sale products branded as Cream Deluxe's products and displays the Complainant's Trademark (the "Respondent's Website").

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:

(a) The Complainant's Trademark is recognizable within the Disputed Domain Name. The Disputed Domain Name fully incorporates the Complainant's Trademark with the addition of the descriptive and non-distinctive word "outlet", indicating that the Respondent's Website is a channel through which CREAM DELUXE branded goods can be purchased. Such addition of the descriptive term "outlet" does not prevent a finding of confusing similarity.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The content on the Respondent's Website is a clear replica of the Complainant's official website content. The Respondent's Website is purportedly offering counterfeit "Cream Deluxe" products and is designed to mislead customers who wish to purchase the Complainant's products. The contact email address provided on the Respondent's Website does not belong to the Complainant and therefore an interested customer who uses this email address may inadvertently contact an unrelated third party, mistakenly believing they are corresponding with the Complainant. The Respondent's Website also contains a link to the official Instagram account of the Complainant which will mislead customers into believing that the Respondent's Website is operated by the Complainant.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Disputed Domain Name was registered on January 25, 2024, at a time when the Complainant's Trademark rights were already established and in effect. The Respondent is using the Disputed Domain Name to attract Internet users to the Respondent's Website for commercial gain, by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's

Website. The Respondent's Website offers counterfeited goods that appear to be identical to the Complainant's products, and displays images and trademark belonging to the Complainant without the Complainant's consent, with an attempt to divert internet traffic away from the Complainant's website to the Respondent's Website.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 has been registered and is being used by the Respondent 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. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element.

Although the addition of other terms here, "outlet" and a hyphen 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 Complainant's Trademark 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#))

The Panel notes that there is no evidence on the available record to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. There is also no evidence to show that the Complainant has provided license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from the Complainant. The reproduction of the Complainant's Trademark and the use of the non-distinctive term "outlet" (which is another term for "market" or commonly known as a shop that sells goods at a discounted price) in the Disputed Domain Name, as well as the use of Complainant's Trademark on the Respondent's Website, also lead to a risk of implied affiliation as the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

There is also no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name, is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use. The Respondent uses the Respondent's Website to impersonate the Complainant or pass itself off as the Complainant by featuring the Complainant's Trademark and offers products branded as the Complainant's products (which may possibly be counterfeited goods according to the Complainant). The Panel further observes that the "Our Story" sub-page on the Respondent's Website presents an introduction to their business that closely resembles the content found on the Complainant's own "Our Story" sub-page on their website. As such, the Respondent's Website attempts to divert Internet users away from the Complainant for commercial gain while capitalizing on the goodwill associated with the Complainant's Trademark.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation or passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety together with the non-distinctive term "outlet" and that the Respondent's Website features the Complainant's Trademark. The Respondent registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to

the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

The Panel notes that the Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name given that the Respondent's Website features the Complainant's Trademark, presents website content that is very similar to that of the Complainant's website, and offers to sell products that are branded as the Complainant's products, with an attempt to create an impression that it is a website authorized or endorsed by the Complainant when it is not.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation or 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 <outlet-creamdeluxe.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: August 13, 2025