

ADMINISTRATIVE PANEL DECISION

COFRA AG v. eddie wong
Case No. DCO2025-0004

1. The Parties

The Complainant is COFRA AG, Switzerland, represented by Abion AB, Sweden.

The Respondent is eddie wong, China.

2. The Domain Name and Registrar

The disputed domain name <cofraholding.co> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 20, 2025. On January 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 22, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 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 January 24, 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 January 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 14, 2025.

The Center appointed Alan L. Limbury as the sole panelist in this matter on February 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

The Complainant, COFRA AG, trading under its former name COFRA Holding AG, is a privately held group of companies established in 2001 in Zug, Switzerland. The Complainant is active in the fields of retail, real estate, asset management, private equity, and renewable energy and has operations spanning Europe, America, and Asia.

The Complainant is the owner of, inter alia:

- United Kingdom Trademark Registration No. UK00905052782 for COFRA, registered as of March 13, 2007, for services in Class 35;
- International Trademark Registration No. 1130512 for COFRA, registered as of August 27, 2012, for goods and services in Classes 16, 35, 36, 41, and 45 such as retail sale and business administration, designating among others the Benelux, France, Germany, China, and Türkiye; and
- Norwegian Trademark Registration No. 201210831 for COFRA, registered as of November 5, 2014, for goods and services in Classes 16, 35, 36, 41, and 45.

The Complainant is also the owner of several domain names including <cofraholding.com>, from which it operates its official website.

The disputed domain name was registered on July 25, 2024. It redirects to the Complainant's website at "www.cofraholding.com". Mail Exchange ("MX") records have been activated.

The Respondent has not replied to a cease-and-desist letter from the Complainant.

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 is confusingly similar its COFRA trademark because it incorporates the mark in its entirety, with the addition of the generic term "holding", which makes direct reference to the Complainant's COFRA Holding AG tradename.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use the trademark and does not own any trademark rights in the name "Cofra Holding AG". There is no evidence that the Respondent is commonly known by the disputed domain name. A search of the name "Cofra Holding AG" on a search engine only gives results related to the Complainant. The Respondent has never made any use of, or demonstrable preparations to use, the disputed domain name or any name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name redirects to the Complainant's main corporate website at "www.cofraholding.com". Because MX records have been set up, the Respondent can potentially use the disputed domain name for phishing purposes. As the disputed

domain name contains the Complainant's distinctive trademark in its entirety and is identical with the Complainant's tradename, it carries a high risk of implied affiliation, which means that any potential or future use of the disputed domain name should not be considered as fair use (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.5.1: "Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner"). This risk is enhanced by the fact that the disputed domain name redirects to the Complainant's website.

The disputed domain name was registered and is being used in bad faith. The Complainant's rights in the registered trademark COFRA arose many years before the creation of the disputed domain name. It is obvious that the Respondent was fully aware of the Complainant's activity and trademark, given that the trademark is distinctive by nature and that the Respondent registered the Complainant's tradename as its domain name and redirects it to the Complainant's own website, thereby seeking to create a confusing similarity with the Complainant in order to mislead Internet users into believing that the disputed domain name is related to or endorsed by the Complainant and potentially to attempt to attract Internet users to an online location by capitalizing on the Complainant's trademark rights and good reputation. The disputed domain name must therefore be considered having been registered in bad faith. It is obvious that the Respondent tried to utilize a common misspelling of the most popular generic Top-Level Domain, ".com" when choosing the country code of Colombia.

The invisible redirection from the disputed domain name to the Complainant's official website reinforces the risk for confusion and potential phishing attempts. In light of the likelihood of confusion of the disputed domain name with the Complainant's trademark and trade name, it is reasonable to suggest that the confusion leads to bad faith use. This confusion is exacerbated by the invisible redirection from the disputed domain name to the Complainant's site which appears to be an attempt to take advantage of the Complainant's goodwill.

B. Respondent

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

6. Discussion and Findings

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 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 mark is reproduced 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 "holding", 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 inconsequential country code Top-Level Domain ".co" may be ignored under this element.

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.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: impersonation/passing off and potential phishing, 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

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 held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: impersonation/passing off and potential phishing, 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 <cofraholding.co> be transferred to the Complainant.

/Alan L. Limbury/

Alan L. Limbury

Sole Panelist

Date: February 24, 2025