

## **ADMINISTRATIVE PANEL DECISION**

Elkjøp Nordic AS v. Host Master, Njalla Okta LLC

Case No. DCO2025-0028

### **1. The Parties**

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

The Respondent is Host Master, Njalla Okta LLC, Kenya.

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

The disputed domain names <elgiganten-danmark.co>, <elkjop-norge.co>, and <elkjop-norway.co> are registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2025. On March 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Data Protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 14, 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 March 17, 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 March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 10, 2025.

The Center appointed Andrea Mondini as the sole panelist in this matter on April 16, 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, Elkjøp Nordic AS, was founded in 1962 in Norway and operates as an electronics retailer on an international basis, with a long-standing presence in the Nordic countries, including Norway, Sweden, Denmark, and Finland, as well as franchise operations in Greenland, Iceland, and the Faroe Islands. The Complainant currently employs approximately 10,400 people across 430 stores, along with several e-commerce platforms in its core markets. The Complainant operates under various brand names, including ELKJØP and ELKJØP Phonehouse in Norway, ELGIGANTEN and ELGIGANTEN Phonehouse in Sweden, and ELGIGANTEN in Denmark. The Complainant is part of Currys Group Ltd. (formerly known as DSG Retail Ltd.), a multinational consumer electrical and mobile retailer and services company.

The Complainant expanded into Sweden as Elgiganten AB and into Denmark as Elgiganten A/S in 1993. Both companies are wholly owned subsidiaries of the Complainant.

The Complainant owns numerous trademark registrations in several jurisdictions, including (the two logo marks are held by its Currys parent group):

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
ELKJØP	Norway	151114	June 25, 1992	09, 11
	European Union	011148863	March 6, 2013	7, 8, 9, 11, 14, 16, 20, 21, 28, 35, 37
	European Union	011148913	March 6, 2013	7, 8, 9, 11, 14, 16, 20, 21, 28, 35, 37
ELGIGANTEN	European Union	005908678	March 30, 2008	7, 8, 9, 11, 21, 35, 36, 37
ELGIGANTEN	Denmark	VR 2005 01853	May 24, 2005	7, 8, 9, 11, 21, 35, 36, 37

The Complainant holds several domain names containing the trademarks ELKJØP and ELGIGANTEN, among them <elkjopnordic.com> and <elgiganten.se> which host its official website.

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain names were registered on the following dates:

<elgiganten-danmark.co> February 23, 2025;  
 <elkjop-norge.co> February 4, 2025; and  
 <elkjop-norway.co> February 25, 2025.

According to the evidence submitted with the Complaint, each of the disputed domain names resolves to a website featuring the Complainant's trademarks and allegedly offering electronic devices for sale.

## **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 names.

Notably, the Complainant contends as follows:

The disputed domain names are confusingly similar to the ELKJØP and ELGIGANTEN trademarks in which the Complainant has rights, because the disputed domain name <elgiganten-danmark.co> incorporates the ELGIGANTEN trademark in its entirety and the other two disputed domain names incorporate the ELKJØP trademark in its entirety. The addition of the terms "danmark", "norge", and "norway" to the respective disputed domain names is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The trademarks ELKJØP and ELGIGANTEN have been extensively used to identify the Complainant and its services. The Respondent has not been authorized by the Complainant to use its trademarks, is not commonly known by the disputed domain names, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain names in connection with a bona fide offering of goods and services. To the contrary, the Respondent's use of the disputed domain names to post websites impersonating the Complainant improperly misleads consumers into believing that they have reached the Complainant's official websites for Denmark and Norway or creates the false impression that the Respondent is associated or affiliated with the Complainant.

The disputed domain names were registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its trademarks ELKJØP and ELGIGANTEN at the time it registered the disputed domain names. The Respondent's intent to target the Complainant when registering the disputed domain names may be inferred from the contents of the Respondent's websites, which makes explicit reference to the Complainant's ELKJØP and ELGIGANTEN trademarks.

The Respondent is using the disputed domain names in bad faith, by intentionally attempting to attract, for financial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

Furthermore, the Respondent failed to respond to the Complainant's lawyers cease and desist letter notice in relation to the disputed domain names.

### **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 names. 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 Panel finds the entirety of the ELGIGANTEN trademark is reproduced within the disputed domain name <elgiganten-danmark.co>. Likewise, the entirety of the ELKJØP trademark is reproduced within the other disputed domain names <elkjop-norge.co> and <elkjop-norway.co>.

Although the addition of other terms such as here "danmark", "norge", and "norway" may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the Top-Level Domain ("TLD") ".co" in the respective disputed domain names is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established for all of the disputed domain names.

## **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 for a complainant to prove that 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 names.

The record shows that the Respondent attempted to impersonate the Complainant by posting three identical websites under the disputed domain names featuring the Complainant's trademarks, logos, and color schemes and materials taken from the Complainant's corporate websites to allegedly offer electronic devices for sale. Panels have held that the use of a domain name for illegal activity such as here impersonating the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Based on the available record, 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.

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.

In the view of the Panel, noting that the Complainant's trademarks predate the registration of the disputed domain names and considering that the disputed domain names resolve to websites featuring the Complainant's ELKJØP and ELGIGANTEN trademarks and depicting the type of products offered by the Complainant, it is inconceivable that the Respondent could have registered the disputed domain names without knowledge of the Complainant's trademarks. In the circumstances of this case, this is evidence of registration in bad faith.

The impression given by the composition of the disputed domain names and the respective websites by using the Complainant's ELKJØP and ELGIGANTEN trademarks and logos and the same color scheme as the Complainant's corporate websites would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website in the sense of the Policy, paragraph 4(b)(iv).

Moreover, panels have held that the use of a domain name for illegitimate activity such as in the present case impersonating the Complainant 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 names constitutes bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain names.

### **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 names <elgiganten-danmark.co>, <elkjop-norge.co>, and <elkjop-norway.co> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: April 30, 2025