

ADMINISTRATIVE PANEL DECISION

Elkjøp Nordic AS v. Host Master, Njalla Okta LLC

Case No. DCO2025-0042

1. The Parties

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

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <elgiganten-sverige.co> (the “Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 22, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 April 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 April 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 20, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on May 22, 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 is a Norwegian company group founded in 1962, and one of the largest electronics retailers in the Nordic countries. It now has around 10,400 employees with retail businesses established in Norway, Sweden, Denmark and Finland, and franchise operations in Greenland, Iceland and the Faroe Islands. The Complainant is part of Currys Group Limited (formerly known as DSG Retail Limited), one of the leading multinational consumer, electrical and mobile retailer, and services companies.

The Complainant was established in Sweden as Elgiganten AB, now a subsidiary of the Complainant, in 1993, and operates under the brands ELGIGANTEN and ELGIGANTEN PHONEHOUSE in Sweden, and ELGIGANTEN in Denmark.

The Complainant and Currys Group Limited are the proprietors of a number of registered trademarks for ELGIGANTEN, including Denmark trademark number VR 2005 01853 ELGIGANTEN registered on May 24, 2005; European Union trademark number 005908678 ELGIGANTEN registered on May 30, 2008; and European Union trademark number 011148913 ELGIGANTEN figurative mark (the Complainant's Device Mark) registered on March 6, 2013.

The Complainant operates commercial websites offering a range of electrical products for sale at "www.elgiganten.dk" and "www.elgiganten.se".

The Domain Name was registered on March 20, 2025. It resolves to a website (the Respondent's Website) purporting to offer a number of electrical products for sale. The website features the Complainant's Device Mark in the banner of the web pages, and it has a similar look and feel to the Complainant's websites, including the green shade comprised in the Complainant's Device Mark.

The Respondent has been the respondent in a large number of previous UDRP complaints in which the panel found that the domain name(s) had been registered in bad faith and ordered transfer of the domain name(s).

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its ELGIGANTEN trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the 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. [WIPO Overview 3.0](#), section 1.2.1.

Ignoring the generic Top-Level Domain ".co", the Domain Name comprises the entirety of the Mark with the addition of a hyphen and the word "sverige", the Swedish language word for "Sweden". The Panel finds that the addition of the word "sverige" does not prevent a finding of confusing similarity between the Domain Name and the Mark. [WIPO Overview 3.0](#), section 1.8. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, and 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. Accordingly, 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.

The Complainant has made out a strong prima facie case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a bona fide offering of goods or services, but for a website imitating that of the Complainant, featuring the Complainant's Device Mark and offering similar goods. There is no suggestion that the Respondent has ever been known by the Domain Name. The Respondent has chosen not to respond to the Complainant or to take any steps to counter the prima facie case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

In addition, the nature of the Domain Name together with the Respondent's Website create a strong risk of Internet user confusion.

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 Domain Name comprises the entirety of the Mark with the addition of the Swedish language word for “Sweden”, a country where the Complainant markets its products under the Mark. Further, the Panel notes that the Respondent has used the Domain Name for a website featuring the Complainant’s Device Mark and purporting to sell electrical goods of the type sold by the Complainant. Accordingly, the Panel is in no doubt that the Respondent had the Complainant and its rights in the ELGIGANTEN mark in mind when it registered the Domain Name.

The Panel is satisfied that the Respondent has registered and used the Domain Name to imitate the Complainant and to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, attracting Internet users by creating a likelihood of confusion with the Mark. In the Panel’s view, the use of a domain name for such activity, clearly with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

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 Domain Name <elgiganten-sverige.co> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: June 5, 2025