



## URS DEFAULT DETERMINATION

Euromarket Designs, Inc. d/b/a Crate & Barrel v. liu ying jun

Claim Number: FA2201001981715

### DOMAIN NAME

<crateandbarrel.ltd>

### PARTIES

Complainant: Euromarket Designs, Inc. d/b/a Crate & Barrel of Northbrook, Illinois, United States of America.

Complainant Representative: CSC Digital Brand Services Group AB of Stockholm, Sweden.

Respondent: liu ying jun of xiao gan shi, hu bei, International, CN.

Respondent's Representative: N/A

### REGISTRIES and REGISTRARS

Registries: Binky Moon, LLC

Registrars: Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn)

### EXAMINER

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Examiner in this proceeding.

David L. Kreider, Chartered Arbitrator, as Examiner.

## **PROCEDURAL HISTORY**

Complaint submitted: January 24, 2022

Commencement: January 25, 2022

Default Date: February 9, 2022

Having reviewed the communications records, the Examiner finds that the FORUM has discharged its responsibility under URS Procedure Paragraphs 3 and 4 and Rule 4 of the Rules for the Uniform Rapid Suspension System (the "Rules").

## **RELIEF SOUGHT**

The Complainant requests that the domain name be suspended for the life of the registration.

## **STANDARD OF REVIEW**

Clear and convincing evidence.

## **FINDINGS and DISCUSSION**

The Complainant owns United States and international trademark registrations for the trade marks CRATE AND BARREL and CRATE & BARREL. The Complaint maintains a significant global online presence through its primary website <www.crateandbarrel.com>, which it registered and has continuously used since March 23, 1998.

The Domain Name was registered on March 23, 2021, significantly after the Complainant's registrations of its CRATE AND BARREL trade mark and domain names and is identical to the Complainant's primary domain name and trade mark. The Complainant has not authorized or permitted the Respondent to use the Complainant's trade mark. The Respondent's use of the top-level domain ".ltd" in lieu of the ".com" top-level domain, being a purely administrative feature,

is of no relevance under the Policy to the determination of identity or substantial similarity.

The Domain Name resolves to a website that displays the Complainant's trademark and offers for purchase goods like those offered by the Complainant through its main website. There is no plausible good-faith reason for Respondent to have registered the Domain Name. The only explanation is that Respondent intended to mislead Internet users and attract visitors, and to thereby free ride on the goodwill of the Complainant's famous mark by means of the Domain Name.

I find on the clear and convincing evidence adduced that the Respondent is not using the Domain Name to provide a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use. The use of a Domain Name that is confusingly similar to Complainant's trademark to link to a website attempting to pass off as being affiliated with the Complainant, or impersonating the Complainant, reflects a lack of legitimate rights or interests and bad faith.

## **DETERMINATION**

After reviewing the Complainant's submissions, the Examiner determines that the Complainant has demonstrated all three elements of the URS by a standard of clear and convincing evidence; the Examiner hereby Orders the following

domain name be SUSPENDED for the duration of the registration:

<crateandbarrel.ltd>

A handwritten signature in black ink, appearing to read 'DK', is written over a horizontal line.

David L. Kreider, Esq.  
Panelist

David L. Kreider, Examiner

Dated: February 09, 2022