

ADMINISTRATIVE PANEL DECISION

Leemo v. Super Privacy Service LTD c/o Dynadot/ Lin Xin Liu
Case No. D2022-0067

1. The Parties

The Complainant is Leemo, France, represented by Novagraaf France, France.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States of America (“United States”)/ Lin Xin Liu, China.

2. The Domain Name and Registrar

The disputed domain name <leemo.net> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2022. On January 10, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 11, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 11, 2022 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 amended Complaint on January 11, 2022.

The Center verified that the Complaint together with the amended 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 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 9, 2022.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on February 14, 2022. 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 LEEMO, a French joint-stock company that acts in the real estate field since 2005 under the mark LEEMO. Details on the creation and the presence of the Complainant in the market is displayed in Annexes 1 and 6 of the Complaint.

The Complainant owns prior rights over the LEEMO trademark, notably French Trademark Registration No. 4518813 for the word mark LEEMO, registered on January 25, 2019.

The Complainant also holds the domain name <leemo.fr>, registered on June 13, 2011, as states the Annex 5 of the Complaint.

The Complainant has established rights over the mark LEEMO, and its fame and renown is inevitably linked to the Complainant.

The disputed domain name was registered on June 4, 2021. The disputed domain name resolves to a website where it is offered for sale.

5. Parties' Contentions

A. Complainant

The Complainant is the owner of registrations for the mark LEEMO, which has been in use for over fifteen years. The Complainant is well known to be a global leader in the real estate field.

Trademark LEEMO is not a dictionary word; it has no meaning in any existing language.

The disputed domain name exclusively consists of the Complainant's LEEMO mark, which is inherently distinctive, and recognizable within the disputed domain name. The disputed domain name resolves to a page where it is offered for sale for USD 888.

Further, the Complainant alleges that there is no coincidence in the adoption of the disputed domain name, this choice being a pretext for commercial advantage.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- 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 to 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

The disputed domain name <leemo.net> is, indeed, identical to the LEEMO trademark, as the latter is entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademark LEEMO in jurisdictions throughout the world, by presenting registrations for it, as well as comprehensive evidence of the use of the trademark.

Under these circumstances, the Panel finds that the disputed domain name is identical to the LEEMO mark relied upon in the Complaint.

Further, it is well established that “.net”, as a generic Top-Level Domain, may be disregarded in the assessment of identity or confusing similarity between the disputed domain name and the Complainant’s mark (section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)).

The Complainant has therefore satisfied this element of the Policy.

B. Rights or Legitimate Interests

There is clear evidence that the trademark LEEMO is registered in the Complainant’s name and is widely known as identifying the Complainant’s activities, and that the Complainant has not licensed it to the Respondent. Furthermore, the Respondent does not appear to be commonly known by the disputed domain name.

It has also been shown that the Respondent is not making any direct use of the disputed domain name but merely to redirect to a website where the disputed domain name is offered for sale for USD 888.00.

The Respondent is not making a noncommercial or fair use of the disputed domain name, nor a *bona fide* offering of goods or services.

The Panel is satisfied that the Complainant has made a *prima facie* showing of the Respondent’s lack of rights and legitimate interests in the disputed domain name, noting also that the cease and desist letter and present proceeding were ignored by the Respondent, that has not been rebutted by the Respondent.

The Panel thus finds for the Complainant under the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the Respondent has probably registered the disputed domain name with the purpose of taking unfair advantage of the Complainant’s mark.

The disputed domain name reproduces the Complainant’s mark in its entirety (being the Second-Level of the disputed domain name identical to the Complainant’s mark). The composition of the disputed domain name points towards the Respondent’s likely intent to give an impression that the disputed domain name is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not that the disputed domain name has been registered to take advantage due to its value as a trademark owned by the Complainant.

The Panel notes the distinctive nature and long-use in time of the Complainant’s trademark LEEMO, the failure of the Respondent to submit a Response, and the absence of any circumstances pointing towards a good faith use to which the disputed domain name may be put, all supporting a finding of bad faith.

Besides, with regards to the use of the disputed domain name in bad faith, the Panel notes that it merely redirects to a website offering it for sale for a price apparently over the out-of-pocket costs for the registration. Panels have found that an apparent lack of so-called active use of the disputed domain name as such would not prevent a finding of bad faith. In addition, Respondent ultimately controls the redirection of the disputed domain name, which would allow the Respondent to divert Internet users to competing or other sort of web sites, taking unfair advantage of the identity between the disputed domain name and the Complainant's mark.

Based on the circumstances of this case, the Panel finds that the Respondent registered and is using the disputed domain name 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 disputed domain name <leemo.net> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/
Alvaro Loureiro Oliveira
Sole Panelist
Date: February 28, 2022