

## ADMINISTRATIVE PANEL DECISION

Royal Leerdammer Leerdammer B.V. v. 吴清儒 (wu qing ru)  
Case No. D2023-2979

### 1. The Parties

The Complainant is Royal Leerdammer Leerdammer B.V., Netherlands (Kingdom of the), represented by Nameshield, France.

The Respondent is 吴清儒 (wu qing ru), China.

### 2. The Domain Name and Registrar

The disputed domain name <leerdammer.info> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 July 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 9, 2023.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on August 11, 2023. 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 one of LACTALIS group's subsidiary (a multi-national company engaged in the food industry, particularly the dairy sector) and the producer of LEERDAMMER, one of Europe's well known cheese brands.

The Complainant owns several trademarks for LEERDAMMER, such as:

- The International trademark LEERDAMMER No. 465749 registered on December 17, 1981;
- The International trademark LEERDAMMER No. 552114 registered on March 28, 1990;
- The International trademark LEERDAMMER No. 920722 registered on February 27, 2007; and
- The International trademark LEERDAMMER No. 1725975 registered on January 5, 2023.

The Complainant is also the owner of a large domain names portfolio, including the same distinctive wording "leerdammer", such as the domain name <leerdammer.com> registered on April 24, 1996.

The disputed domain name was registered on June 23, 2023 and redirects to a website where the disputed domain name is offered for sale.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends the following:

- the disputed domain name is identical to Complainant's trademarks LEERDAMMER and its domain names associated, as it includes it in its entirety.
- the addition of the generic Top-Level Domain ("gTLD") ".info" does not change the overall impression of the designation as being connected to the Complainant's trademarks.
- the Respondent has no rights or legitimate interests in respect of the disputed domain name as it is not identified in the Whois database by the disputed domain name and it is not related in any way with the Complainant.
- the Complainant does not carry out any activity for, nor has any business with the Respondent.
- neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks LEERDAMMER, or to apply for registration of the disputed domain name by the Complainant.
- the resolving website offers the disputed domain name for sale to the public at a price in excess of out-of-pocket costs.
- the Respondent's general attempt to sell the disputed domain name does not constitute a *bona fide* offering of goods or services pursuant to Policy 4(c)(i) and it is not a legitimate noncommercial or fair use of the disputed domain name pursuant to Policy 4(c)(iii).
- the disputed domain name is confusingly similar to its trademarks LEERDAMMER, which is one of Europe's most iconic cheese brands since 1974 and all the results of a research for the terms "leerdammer" refers to the Complainant and its products. Given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks.
- the Respondent offers the disputed domain name for sale for a price in excess of out-of-pocket costs.
- a general offer to sell a domain name can be evidence the Respondent intended to make such an offer at the time it registered the disputed domain name, supporting a finding of bad faith per Policy 4(b)(i).

##### B. Respondent

Although properly summoned, the Respondent did not reply to the Complainant's contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Panel finds the Complainant's rights in the trademark LEERDAMMER acquired through international registration.

Further, the Panel agrees with the Complainant, that the disputed domain name is identical to the trademark LEERDAMMER, as it includes it in its entirety.

Moreover, the Panel considers that the addition of the gTLD ".info", which is a technical standard requirement, is typically disregarded in the confusing similarity test.

It is a long established UDRP practice (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") according to which the test for confusing similarity typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name, which is the case in these proceedings.

Consequently, the Panel finds that the Complainant's trademark is fully recognizable in the disputed domain name which makes the disputed domain name identical to the trademark and the first element under of paragraph 4(a) of the Policy is accordingly established.

### B. Rights or Legitimate Interests

In respect of the second element of the Policy, according to the section 2.1 of the [WIPO Overview 3.0](#) the Complainant has to show that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes out that *prima facie* showing, the burden of production of evidence shifts to the Respondent.

In these proceedings, this Panel finds that the Complainant has made out a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and such showing has not been rebutted by the Respondent, as it did not reply to the Complainant's contentions.

The Panel notes that there is no evidence that the Respondent is commonly known as trademarks LEERDAMMER. According to the Complainant, it has not authorized the Respondent to use the LEERDAMMER mark nor the Complainant does carry out any activity for or has any business with the Respondent.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant's trademarks LEERDAMMER, or to apply for registration of the disputed domain name by the Complainant.

In addition, the website to which the disputed domain name redirects to offers the disputed domain name for sale to the public at a price likely in excess of out-of-pocket costs, which could not be considered a *bona fide* offering of goods/services or justifying rights and legitimate interests on behalf of the Respondent.

Therefore, in the opinion of this Panel, the Complainant has fully demonstrated that the Respondent lacks rights or legitimate interests in the disputed domain name, and consequently, the second element of paragraph 4(a) of the Policy being as such established.

### C. Registered and Used in Bad Faith

Under the third Policy element, the Complainant has to prove that the disputed domain name was registered and is being used in bad faith.

The Policy provides under paragraph 4 (b) for the following circumstance which represents evidence of the registration and use of a domain name in bad faith:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name;”

Under these proceedings, this Panel finds that such circumstance exist considering the nature of the domain which wholly incorporating the relevant mark and the distinctiveness of trademark at issue and also the Respondent’s offer for sale of the disputed domain name for a price likely in excess of out-of-pocket costs..

For all the above, the Panel finds that the disputed domain name had been registered and is being used in bad faith and the third element of the Policy is established.

## **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 <leerdammer.info> be transferred to the Complainant.

*/Dr. Beatrice Onica Jarka/*

**Dr. Beatrice Onica Jarka**

Sole Panelist

Date: August 25, 2023