

## ADMINISTRATIVE PANEL DECISION

Veja Fair Trade, Sarl v. Name Redacted  
Case No. D2023-2993

### 1. The Parties

The Complainant is Veja Fair Trade, Sarl, France, represented by SafeBrands, France.

The Respondent is Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <vejatenisicehrvatska.com> (“Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 13, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 14, 2023, 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 July 20, 2023, 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 July 21, 2023.

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”).

---

<sup>1</sup>The Respondent appears to have used the name of a third party when registering the Domain Name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. <Bradescourgente.net> / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2023. The Respondent did not submit any response. On August 8, 2023, the Center received an email from a third party. Accordingly, the Center notified the commencement of panel appointment process on August 25, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on September 13, 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 a French Company duly registered since at least August 24, 2004. Since 2005, the Complainant has become one of the leading names in the shoe industry notably in France. The Complainant mainly offers its products through its official website at “www.veja-store.com”.

The Complainant is the owner of trademark registrations for VEJA, including:

- the European Union trademark registration No. 9075003, VEJA (fig.), filed on May 3, 2010, and registered on November 30, 2012, for goods in international classes 18 and 25, and
- the International trademark registration No. 848383, VEJA (fig.), filed and registered on February 1, 2005, for goods in international classes 18 and 25.

The Complainant also maintains domain name registrations for VEJA, including the domain name <veja-store.com>, registered on March 21, 2007.

The Domain Name was registered on July 13, 2021, and at the time of filing of the Complaint, it redirected to a website under “www.vejatenisice-hr.com” (the “Website”) that reproduced the Complainant’s trademarks, logo, copyrighted photos and graphic charter in order to sell heavily discounted goods, suspected to be counterfeit, purportedly of the Complainant. The Website was blocked and Internet users had to use a VPN tool to access it. Currently, the Domain Name leads to a blocked page.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions. On August 8, 2023, the Center received an email from a third party claiming that the Respondent used her identity and contact details to register the Domain Name and that named Respondent was unaware of the Domain Name, its registration, and the provided contact details in the WhoIs records which were entered without her knowledge or authorization.

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists three elements which the Complainant must satisfy with respect to the Domain Name:

- (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**

The Domain Name incorporates the Complainant's VEJA trademark in its entirety. This is sufficient to establish confusing similarity.

The Domain Name incorporates the said trademark of the Complainant in its entirety with the addition of the words "tenisice" and "hrvatska" which in Croatian mean "Croatian tennis shoes". The Panel finds that the trademark is recognizable in the Domain Name (*Magnum Piering, Inc. v. The Mudjacks and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#); WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7).

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is confusingly similar to the Complainant's trademark.

The Complainant has established the Policy, paragraph 4(a)(i).

#### **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that the Respondent lacks rights or legitimate interests in respect of the Domain Name.

The Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per the Complainant, the Respondent was not authorized to register the Domain Name.

The Respondent has not demonstrated any preparations to use nor used the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as the Complainant demonstrated, the Domain Name was used to host the Website to impersonate the Complainant and attempt to mislead consumers into thinking that the goods purportedly offered for sale on the Website originated from the Complainant. Such use demonstrates neither a *bona fide* offering of goods nor a legitimate interest of the Respondent (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The Domain Name falsely suggested that the Website was official site of the Complainant or of an entity affiliated to or endorsed by the Complainant. The Website extensively reproduced, without authorization by the Complainant, the Complainant's trademarks, logos, copyrighted photos and graphic charter without any disclaimer of association (or lack thereof) with the Complainant.

The Panel finds that these circumstances do not confer upon the Respondent any rights or legitimate interests in respect of the Domain Name.

The Complainant has established the Policy, paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that the Respondent has registered or has 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 the Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name; or
- (ii) the Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding Domain Name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location.

The Panel concludes that the Respondent has registered and used the Domain Name in bad faith.

Because the Complainant's mark had been used and registered by the Complainant before the Domain Name registration, and noting the content of the corresponding Website, it is clear that the Respondent had Complainant's mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); and *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Furthermore, the content of the Website gives the impression that it originates from the Complainant, prominently displaying the Complainant's trademarks and product photographs, thereby giving the false impression that the Website emanates from or is endorsed by the Complainant. This further supports registration in bad faith reinforcing the likelihood of confusion, as Internet users are likely to consider the Domain Name as in some way endorsed by or connected with the Complainant ([WIPO Overview 3.0](#), section 3.1.4).

The Domain Name incorporates entirely the Complainant's trademark plus additional words, one of which is descriptive of the goods provided by the Complainant. This further indicates that the Respondent knew of the Complainant and chose the Domain Name with knowledge of the Complainant and its industry (*Safepay Malta Limited v. ICS Inc*, WIPO Case No. [D2015-0403](#)).

As regards bad faith use, the Complainant demonstrated that the Domain Name was employed to host the Website, accessed only, per the Complainant, through a VPN tool, which appeared falsely to be that of or endorsed by the Complainant reproducing the Complainant's trademarks, logo, copyrighted photos and graphic charter in order to sell heavily discounted goods, purportedly of the Complainant, suspected to be counterfeit.

Furthermore, the Domain Name has been operated by intentionally creating a likelihood of confusion with the Complainant's trademark and business. This further supports the finding of bad faith use (*Arkema France v. Aaron Blaine, supra*; *Aktiebolaget Electrolux v. Priscilla Quaiotti Passos*, WIPO Case No. [D2011-0388](#); and [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1).

The Domain Name currently leads to an error page. The non-use of a domain name does not prevent a finding of bad faith under the circumstances of this proceeding (See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); and [WIPO Overview 3.0](#), section 3.3).

Under these circumstances and on this record, the Panel finds that Respondent registered and is using the Domain Names in bad faith.

The Complainant has established the Policy, paragraph 4(a)(iii).

## 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 <vejatenisicehrvatska.com> be transferred to the Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: September 27, 2023