

ADMINISTRATIVE PANEL DECISION

Millet Mountain Group SAS v. AndreasSankt, JuliaKruger, TomZimmer
Case No. D2023-3363

1. The Parties

The Complainant is Millet Mountain Group SAS, France, represented by Cabinet Germain & Maureau, France.

The Respondents are AndreasSankt, JuliaKruger, and TomZimmer, Germany.

2. The Domain Names and Registrar

The disputed domain names <lafumaau.com>, <lafumabe.com>, <lafumaberlin.com>, <lafumaca.com>, <lafumacl.com>, <lafumaes.com>, <lafumagr.com>, <lafumaistanbul.com>, <lafumait.com>, <lafumajp.com>, <lafumalondon.com>, <lafumamagyarorszag.com>, <lafumanorway.com>, <lafumaonlineshop.com>, <lafumapl.com>, <lafumapt.com>, <lafumase.com>, <lafumausasale.com>, and <lafumawien.com> are registered with Alibaba.com Singapore E-Commerce Private Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 4, 2023. On August 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 8, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint or to file a separate complaint for each of the disputed domain names. The Complainant filed an amended Complaint on August 18, 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").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents of the Complaint, and the proceedings commenced on August 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 19, 2023. The Respondents did not submit any response.

Accordingly, the Center notified the Respondents' default on September 20, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on September 27, 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 provides outdoor and sports apparel products. It owns the mark LAFUMA and enjoys the benefits of registration of that mark in many jurisdictions around the world (e.g., France Reg. No. 1642621, registered on January 31, 1991). According to the Whois information, all of the disputed domain names were registered within a span of two days (June 25 through June 27, 2023). The Complainant asserts that the disputed domain names are used to publish websites used for the sale of counterfeit goods, some of such goods being identical to goods provided by the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademarks; that the Respondents have no rights or legitimate interests in respect of the disputed domain names; and that the disputed domain names were registered and are being used in bad faith.

B. Respondents

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names, and (iii) the disputed domain names have been registered and are being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Consolidation of Multiple Respondents

There are three named Respondents (three underlying registrants disclosed by the Registrar). The Complainant requests that all three be consolidated into this matter. Consolidation is proper, so the Complainant's request for consolidation is granted.

Paragraph 10(e) of the Rules states that a "[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules". Paragraph 10(c) of the Rules provides, in relevant part, that "the [p]anel shall ensure that the administrative proceeding takes place with due expedition". Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") summarizes the consensus view of UDRP panels on the consolidation of multiple respondents and provides that where a complaint is filed against multiple respondents, panels consider whether the domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all parties.

The record indicates the disputed domain names are under common control. The following facts support this conclusion:

- All of the websites found at the disputed domain names share the same design and similar content, and all bear the same stylized version of the Complainant's LAFUMA mark.
- The names of each of the three Respondents share the name idiosyncratic format of being a first and last name without a space between them, namely, AndreasSankt, JuliaKruger, and TomZimmer.
- The email address of each of the three Respondents use the "[...].@yeah.net" domain name, and all three usernames share the same word-number-word format.
- The contact information for all three Respondents lists Germany as the country of residence.
- All of the disputed domain names were registered within a span of two days, namely, June 25 through June 27, 2023.
- All of the disputed domain names were registered using the services of the Registrar.
- All of the disputed domain names have the same nameservers.

The Respondents have not presented any arguments as to why consolidation would be unfair or inequitable. Accordingly, conditions for proper consolidation of the disputed domain names into one matter are present here.

B. Identical or Confusingly Similar

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain names are identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the LAFUMA mark by providing evidence of its trademark registrations.

The disputed domain names incorporate the LAFUMA mark in its entirety. Each of the disputed domain names contains the LAFUMA mark, accompanied by other words or abbreviations, many of them apparently geographical terms (e.g., "au", "es", "berlin," "london," "norway"). The addition of these terms within the disputed domain names does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's LAFUMA mark. See [WIPO Overview 3.0](#), section 1.8. The LAFUMA mark remains recognizable for a showing of confusing similarity under the Policy.

Accordingly, the Panel finds that the Complainant has satisfied this first element under the Policy.

C. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondents lack rights or legitimate interests in respect of the disputed domain names. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondents (with the burden of proof always remaining with the Complainant).

The Complainant asserts that there is no business affiliation between the Complainant and any of the Respondents, nor has the Complainant given any permission or license to the Respondents to use the LAFUMA mark in any manner. The Panel additionally finds that use of the disputed domain names to set up websites imitating the Complainant and offering what appear to be counterfeit goods for sale is not a *bona fide* offering of goods or services.

The Respondents did not provide any evidence or argument as to any rights or legitimate interests in the disputed domain names. The Panel finds that the Complainant has established, *prima facie*, that the Respondents lack rights or legitimate interests and nothing in the record tips the balance back in favor of the Respondents.

Accordingly, the Panel finds that this second element under the Policy has been met.

D. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent's bad faith use and registration. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent "[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent's] website or other online location, by creating a likelihood of confusion with complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or a product or service on [the respondent's] website or location".

The Respondents registered and are using the disputed domain names in bad faith. Establishing websites that bear the Complainant's mark to sell counterfeit products, all using disputed domain names that incorporate the Complainant's mark, is a clear example of bad faith registration and use under the Policy. *Columbia Sportswear Company v. PrivacyGuardian.org / Dorota Borowska*, WIPO Case No. [D2019-0314](#).

Accordingly, the Panel finds that this third element under the Policy has been met.

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 following disputed domain names <lafumaa.com>, <lafumabe.com>, <lafumaberlin.com>, <lafumaca.com>, <lafumacl.com>, <lafumaes.com>, <lafumagr.com>, <lafumaistanbul.com>, <lafumait.com>, <lafumajp.com>, <lafumalondon.com>, <lafumamagyarorszag.com>, <lafumanorway.com>, <lafumaonlineshop.com>, <lafumapl.com>, <lafumapt.com>, <lafumase.com>, <lafumausasale.com> and <lafumawien.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: October 11, 2023