

ADMINISTRATIVE PANEL DECISION

LEGO Juris A/S v. Hongxia Wang

Case No. D2022-1742

1. The Parties

The Complainant is LEGO Juris A/S, Denmark, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Hongxia Wang, China.

2. The Domain Name and Registrar

The disputed domain name <discount-lego.com> is registered with Name.com, Inc. (Name.com LLC) (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 13, 2022. On May 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 16, 2022, 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 May 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 8, 2022.

The Center appointed Andrew F. Christie as the sole panelist in this matter on June 15, 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's business is the making and selling of LEGO-branded toys. It is based in Denmark and has subsidiaries and branches throughout the world. The Complainant's LEGO products are sold in more than 130 countries, including China. In 2019, Superbrands UK listed LEGO as the number one Consumer Superbrand and number eight in the Consumer Relevancy Index.

The Complainant is the owner of a very large number of trademark registrations throughout the world for the word trademark LEGO, including China Trademark Registration No. 75682 (registered on December 22, 1976).

The Complainant is the owner of close to 5,000 domain names containing the term "lego", including <lego.com> created on August 22, 1995.

The disputed domain name was registered on March 3, 2022. The Complainant has provided a screenshot, taken on May 9, 2022, showing that the disputed domain name resolved to a website featuring the Complainant's LEGO trademark and logotype, with a similar color scheme and layout to the Complainant's official website, and purportedly offering the Complainant's LEGO products for sale. At the time of this decision, the disputed domain name resolves to a website that appears to be the website shown in the Complainant's screenshot.

5. Parties' Contentions

A. Complainant

The Complainant made the following contentions to establish that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The dominant part of the disputed domain name comprises the term "lego", identical to the Complainant's registered trademark LEGO. The fame of the Complainant's trademark LEGO has been confirmed in numerous previous UDRP decisions. In addition to the trademark LEGO, the disputed domain name contains the suffix "discount" preceded by a hyphen, which does not detract from the overall impression of the dominant portion of the disputed domain name. The addition of the generic Top-Level Domain ("gTLD") ".com" is irrelevant to determining the confusing similarity between the trademark and the disputed domain name. Anyone who sees the disputed domain name is bound to mistake it for a name related to the Complainant.

The Complainant made the following contentions to establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not found that the Respondent has any registered trademarks or trade names corresponding to the disputed domain name. No licence or authorization of any other kind has been given by the Complainant to the Respondent to use the trademark LEGO. The Respondent is not an authorized dealer of the Complainant's products and has never had a business relationship with the Complainant. There is no disclaimer on the website to explain the lack of relationship to the Complainant. The Whois information identifies the registrant as "Hongxia Wang" which does not resemble the disputed domain name in any manner. As no evidence has been found that the Respondent is using the name "lego" as a company name or has any other legal rights in the name, it is quite clear that the Respondent is simply trying to benefit from the Complainant's world-famous trademark. The disputed domain name directs Internet users to a website that copies and attempts to duplicate the Complainant's official website, by featuring the Complainant's LEGO trademark and logotype, along with the same red/yellow color scheme widely associated with the Complainant. As such, the website resolving from the disputed domain name has purposely been designed to serve as an exact replica of the Complainant's website, as a means of deceiving Internet users into believing that the disputed domain name and its website are associated with the Complainant.

The Complainant made the following contentions to establish that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered decades after the Complainant registered the trademark LEGO in China, where the Respondent resides. The Respondent cannot claim to have been using the trademark LEGO without being aware of the Complainant's rights to it, given the fame of the Complainant's trademark. The disputed domain name is currently connected to an unauthorized commercial website offering LEGO products and featuring the same red/yellow color scheme associated with the Complainant, and prominently displaying the Complainant's LEGO trademark, logo and logotype. The Respondent is using the disputed domain name to intentionally attempt to attract Internet users to a website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website. The Respondent currently holds registrations for several other domain names that misappropriate the trademarks of well-known brands and businesses, demonstrating that the Respondent is engaging in a pattern of cybersquatting/typosquatting, which is evidence of bad faith registration and use. The Respondent is not making a legitimate noncommercial or fair use, but is misleadingly diverting consumers for commercial gain.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Once the gTLD ".com" is ignored (which is appropriate in this case), the disputed domain name consists of the Complainant's registered word trademark LEGO, preceded by the word "discount" and a hyphen. The Complainant's trademark is clearly recognizable within the disputed domain name. The addition of the word "discount" and a hyphen does not avoid a finding of confusing similarity of the disputed domain name with the trademark.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use its LEGO trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a *bona fide* use of, the disputed domain name, or that it has, for any other reason, rights or legitimate interests in the disputed domain name. The evidence provided by the Complainant shows that the disputed domain name has been used to resolve to a website displaying the LEGO name and trademark, mimicking the look of the Complainant's official website, and purporting to offer LEGO products for sale. The contents of the Respondent's website are such that many Internet users will form the false belief that the website is operated by, or affiliated with, the Complainant. Given the confusing similarity of the disputed domain name to the Complainant's trademark, the absence of any relationship between the Respondent and the Complainant, and the failure to avoid the implied false affiliation with the Complainant, the Respondent's use of the disputed domain name is neither a *bona fide* use nor a legitimate noncommercial or fair use.

The Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the Respondent has not rebutted this. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name was registered many decades after the Complainant first registered its LEGO

trademark. It is inconceivable that the Respondent registered the disputed domain name ignorant of the existence of the Complainant's trademark, given the renown of the Complainant's trademark, that the disputed domain name consists of the Complainant's trademark with merely the addition of the word "discount" and a hyphen, and that the Respondent used the disputed domain name to resolve to a website that mimics the look of the Complainant's website, that displays the Complainant's LEGO trademark and name, and that purports to offer for sale the Complainant's goods.

Given the Respondent's lack of rights or legitimate interests in the disputed domain name and the confusing similarity of the disputed domain name to the Complainant's trademark, any use of the disputed domain name by the Respondent almost certainly implies an affiliation with the Complainant that does not exist. The Respondent's registration of the disputed domain name in these circumstances is a bad faith registration.

Furthermore, the evidence on the record provided by the Complainant indicates that the Respondent has used the disputed domain name in an attempt to attract, for commercial gain, Internet users to a website by creating confusion in the minds of the public as to an association between the website and the Complainant. The Respondent's use of the disputed domain name in this manner is a bad faith use.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used 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, <discount-lego.com>, be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: June 28, 2022