

## **ADMINISTRATIVE PANEL DECISION**

LEGO Juris A/S v. zxc abc, StacyJo Mest, dasdfas fsafas, Tami Moore, kylee Ghabour, bret Pugh  
Case No. D2022-2213

### **1. The Parties**

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

The Respondents are zxc abc, China, StacyJo Mest, China, dasdfas fsafas, China, Tami Moore, China, kylee Ghabour, China, and bret Pugh, China.

### **2. The Domain Names and Registrar**

The disputed domain names <legocome.store>, <legocome.xyz>, <legocom.online>, <legosale.store>, <legoshow.online>, <legoshow.store>, <legostar.store>, <legotoyus.store>, <legous.online>, and <legousshop.store> are registered with Name.com, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 17, 2022. On June 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 24, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 27, 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 July 1, 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 Respondents of the Complaint, and the proceedings commenced on July 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 25, 2022. The Respondents did not submit any response. Accordingly,

the Center notified the Respondents' default on July 26, 2022.

The Center appointed Evan D. Brown as the sole panelist in this matter on August 3, 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 the well-known purveyor of construction toys and related products. It owns the trademark LEGO which it has registered in many countries, including China (Reg. No. 75,682, registered on December 22, 1976).

According to the WhoIs records, the disputed domain names were registered on the following dates:

- <legotoyus.store> - February 11, 2022
- <legous.online> - February 27, 2022
- <legousshop.store> - March 1, 2022
- <legoshow.online> - March 5, 2022
- <legoshow.store> - March 5, 2022
- <legosale.store> - March 11, 2022
- <legostar.store> - March 11, 2022
- <legocom.online> - April 23, 2022
- <legocome.store> - April 28, 2022
- <legocome.xyz> - April 28, 2022

The Respondents have used all of the disputed domain names – except for <legocome.xyz> – to resolve or redirect to a website purporting to offer the Complainant's goods. The Respondents used <legocome.xyz> to redirect to a website purportedly offering goods unrelated to the Complainant for sale.

#### **5. Parties' Contentions**

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

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademark; 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. Procedural Issue: Consolidation of Multiple Respondents

There are six named Respondents. The Complainant requests that all six 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:

- despite having different registrant names and email addresses, the disputed domain names <legous.online>, <legousshop.store>, <legoshow.online>, <legoshow.store>, <legostar.store>, <legosale.store>, <legocom.online>, <legocome.store>, and <legocome.xyz> all have the same postal code in their address;
- the remaining disputed domain name, <legotoyus.store>, resolves to the identical looking ecommerce website that is linked to eight of the other disputed domain names;
- overall, all the disputed domain names, except for <legocome.xyz>, resolve or redirect to the identical looking ecommerce website passing off as the Complainant;
- the disputed domain name <legocome.xyz> shares identical registration details with two of the disputed domain names resolving to the identical looking ecommerce website;
- all the disputed domain names were registered between February and April 2022 and through the same Registrar;
- all of the disputed domain names utilize a similar composition: LEGO + term(s) + Top Level Domain (“TLD”).

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 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 LEGO mark by providing evidence of its trademark registrations.

It is standard practice when comparing a disputed domain name to a complainant's trademarks, to not take the TLD into account. See [WIPO Overview 3.0](#), section 1.11.1 (“The applicable Top Level Domain (‘TLD’) in

a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”).

The disputed domain names incorporate the LEGO mark in its entirety with words such as “show,” “shop,” and “sale”. These other elements within the disputed domain names do not prevent a finding of confusing similarity between the disputed domain names and the Complainant’s LEGO mark. See [WIPO Overview 3.0](#), section 1.8. The LEGO mark remains sufficiently recognizable for a showing of confusing similarity under the Policy.

Accordingly, the Complainant has satisfied this first UDRP element.

### **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).

On this point, the Complainant asserts, among other things, that: (1) no license or authorization of any other kind has been given by the Complainant to the Respondents, to use the trademark LEGO; (2) the Respondents are not authorized dealers of the Complainant’s products and have never had a business relationship with the Complainant; (3) there is no evidence, including the Whois records for the disputed domain names, to suggest that the Respondents are commonly known by the disputed domain names; and (4) the Respondents are not using the disputed domain names in connection with a *bona fide* offering of goods or services. Instead, the Respondents have intentionally chosen the disputed domain names based on a registered trademark to generate traffic and income through unauthorized commercial websites, nine offering the Complainant’s products and the last offering unrelated third party goods.

Furthermore, the nature of the disputed domain names, incorporating the Complainant’s widely-known trademark, carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. *Columbia Insurance Company v. Name Redacted*, WIPO Case No. [D2022-0528](#); [WIPO Overview 3.0](#), section 2.5.1.

The case of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) provides a test (the “*Oki Data Test*”) that assists a panel in determining whether a disputed domain name registered for purposes of reselling a complainant’s goods or services gives rise to a respondent’s rights or legitimate interests in the disputed domain name. The *Oki Data Test* requires, among other things, that a website associated with disputed domain name accurately disclose a respondent’s relationship with the complainant. In the present case, the Respondents do not adequately disclose the relationship, or lack thereof, between the Respondents and the Complainant. The websites published at nine out of the ten disputed domain names appear as if they were legitimate websites of the Complainant. But the sites are not authorized by the Complainant. Accordingly, the *Oki Data* test does not help the Respondents in this case.

Moreover, noting the broader circumstances of this case including the incorporation of the widely-known LEGO mark, the use of the disputed domain name <legocomexyz> to redirect to a website offering unrelated third party goods does not constitute a *bona fide* offering of goods or service, or a legitimate noncommercial or fair use.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondents have not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondents’ favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

#### **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 registration and use. 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".

Because the Complainant's marks are well-known, it is implausible to believe that the Respondents were not aware of those marks when it registered the disputed domain names. Indeed, the Respondents set up websites at nine out of the ten disputed domain names to imitate the Complainant. In the circumstances of this case, such a showing is sufficient to establish bad faith registration of the disputed domain names. Moreover, the disputed domain name <legocome.xyz> redirects to a website purportedly offering goods unrelated to the Complainant for sale. Such use does not prevent a finding of bad faith in these circumstances, noting *inter alia* that it appears most likely that the Respondent intended to drive Internet traffic to the disputed domain name, for commercial gain, by taking unfair advantage of the Complainant's well-known LEGO mark, and noting also the above-referenced use of the other nine disputed domain names, including the two disputed domain names that share identical registration details with <legocome.xyz>.

Bad faith use is shown from the Respondents activities of using the disputed domain names to trade off the Complainant's well-known LEGO mark to purport to offer goods for sale for commercial gain. For these reasons, the Panel finds that the Complainant has successfully met this third UDRP element.

#### **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 names <legocome.store>, <legocome.xyz>, <legocom.online>, <legosale.store>, <legoshow.online>, <legoshow.store>, <legostar.store>, <legotoyus.store>, <legous.online>, and <legousshop.store> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: August 19, 2022