

ADMINISTRATIVE PANEL DECISION

CAMPER, S.L. v. David Keller and Web Commerce Communications Limited Case No. D2023-1670

1. The Parties

The Complainant is CAMPER, S.L., Spain, represented by Jacobacci Abril Abogados, S.L.P., Spain.

The Respondents are David Keller, Germany, and Web Commerce Communications Limited, Malaysia.

2. The Domain Names and Registrars

The disputed domain name <camperzapatochile.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

The disputed domain name <camperzapatoschile.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 17, 2023. On April 17, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain name. On April 18, 2023, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondents and contact information in the Complaint. The Center sent an email communication to the Complainant on April 18, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 20, 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 April 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on May 16, 2023.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on May 30, 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 shoe manufacturer in Spain owning more than 400 shops in more than 40 countries.

The Complainant owns trademark registrations in various jurisdictions, including the European Union Trademark CAMPER (Reg. No. 9016262, registered on December 16, 2011), and an International Registration figurative trademark (Reg. No. 925535, registered on January 31, 2007).

The Complainant holds the domain name <camper.com> under which the official website of the Complainant is available.

The disputed domain names were registered on March 3, 2022 (<camperzapatoschile.com>) and November 10, 2022 (<camperzapatoschile.com>) and resolve to a website presenting itself as an official shop of the Complainant (by *inter alia* displaying one of the Complainant's logos).

5. Parties' Contentions

A. Complainant

The Complainant alleges that it has satisfied all elements of the Policy, paragraph 4.

B. Respondent

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

6. Discussion and Findings

On the basis of the facts and evidence introduced by the Complainant, and with regard to paragraphs 4(a), (b) and (c) of the Policy, the Panel concludes as follows:

6.1 Preliminary Consideration: Consolidation of Multiple Respondents

The Complainant has requested consolidation of multiple Respondents and stated that both disputed domain names are under common control. No objection to this request was made by the Respondents.

Pursuant to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2, "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". The Panel may consider a range of factors to determine whether consolidation is appropriate, such as examining relevant registrant contact information, and any naming patterns in the disputed domain names, or other evidence of respondent affiliation that indicate common control of the disputed domain names.

Here, the Panel notes that both disputed domain names feature almost identical construction (*i.e.*, combination of the CAMPER trademark along with the terms "zapato(s)" and "chile"), that the disputed

domain name <camperzapatochile.com> was registered following the takedown of the website at the disputed domain name <camperzapatoschile.com>, both disputed domain names have been used to feature identical websites allegedly offering for sale the Complainant's products, and the Respondents appear to have used false or incomplete information upon registering the disputed domain names. As said above, the Respondents have not objected to the request for consolidation or the Complaint, generally. The Panel therefore accepts the Complainant's consolidation request. Hereinafter, the Panel will refer to the Respondents in the singular, *i.e.*, "the Respondent".

6.2 Substantive Considerations

A. Identical or Confusingly Similar

The Complainant has submitted sufficient evidence to demonstrate its registered rights in the CAMPER trademark, which is wholly reproduced in the disputed domain names.

A domain name is "identical or confusingly similar" to a trademark for the purposes of the Policy when the domain name includes the trademark, or a confusingly similar approximation, regardless of other terms in the domain name (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)). As stated in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on the assessment of the second and third elements". Hence, the Panel holds that the addition of the terms "zapato/zapatos" (the Spanish word for "shoe/shoes") and "chile" to the Complainant's CAMPER trademark does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademark.

The Complainant has thus fulfilled the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

There are no indications before the Panel of any rights or legitimate interests of the Respondent in respect of the disputed domain names. The Complainant contends that the Respondent is neither a distributor or reseller authorized by the Complainant, nor that any other business connection exists between the Complainant and the Respondent. Moreover, the websites connected to the disputed domain names do not include any disclaimer as to their (lack of) relationship to the Complainant, thereby failing the applicable fair use safeguards found under section 2.8 of the [WIPO Overview 3.0](#). It is more likely than not that the websites connected to the disputed domain names did not offer any products for sale but were merely a pretext, masking a hidden phishing intent to collect Internet users' payment and personally identifiable information.

Furthermore, the composition of the disputed domain names, wholly incorporating the Complainant's trademark together with descriptive and geographical terms, cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

Based on the Complainant's credible contentions, the Panel finds that the Complainant, having made out a *prima facie* case which remains un rebutted by the Respondent, has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under the circumstances of this case, including the (i) composition of the disputed domain names, (ii) year of the registration of the disputed domain names, and (iii) reputation of the Complainant's trademark, it can be

inferred that the Respondent was aware of the Complainant's trademark when registering the disputed domain names.

The Panel finds that the reproduction of the Complainant's trademark along with the terms "zapato/zapatos" and "chile" creates a likelihood of confusion between the Complainant's trademark and the disputed domain names.

The evidence and allegations submitted by the Complainant support a finding that the Respondent was engaged in an attempt to generate traffic to its sites (purporting to be online shops of the Complainant) by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites for its own commercial benefit. The Respondent has therefore used the disputed domain names in bad faith (see *Claudie Pierlot v. Yinglong Ma*, WIPO Case No. [D2018-2466](#)).

Accordingly, the Complainant has also fulfilled paragraph 4(a)(iii) of the Policy.

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 <camperzapatochile.com> and <camperzapatoschile.com> be transferred to the Complainant.

/Tobias Zuberbühler/

Tobias Zuberbühler

Sole Panelist

Date: June 13, 2023