

ADMINISTRATIVE PANEL DECISION

DPDgroup International Services GmbH & Co. KG v. Maihi ben
Case No. D2023-1896

1. The Parties

Complainant is DPDgroup International Services GmbH & Co. KG, Germany, represented by Fidal, France.

Respondent is Maihi ben, United States of America.

2. The Domain Name and Registrar

The disputed domain name <dpdbestdelivery.online> (the “Domain Name”) is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 27, 2023. On April 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 28, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on April 28, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on May 2, 2023.

The Center verified that the Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on May 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 31, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 1, 2023.

The Center appointed Clive L. Elliott, K.C. as the sole panelist in this matter on June 19, 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

Complainant is a German company which has been in operation since 1977, providing international express and parcel services. It has 32,000 pickup points in 230 different countries.

Complainant is the registered owner of the “DPD” trade mark (“Complainant’s Mark”) in many jurisdictions, including (but not limited to) as follows:

Mark	Jurisdiction	Registration No	Registration Date	Classes
DPD Dynamic Parcel Distribution	European Union	6159487	August 19, 2009	35, 39
	International	761146	May 26, 2001	36, 39
	International	1214203	March 12, 2014	9, 16, 35, 39, 42
	International	1217471	March 28, 2014	9, 16, 35, 39, 42
	International	1271522	August 25, 2015	39

Complainant is also the owner of the domain name <dpd.com>, registered on March 20, 1991, as well as many other domain names including: <dpd.asia>, <dpd.iz>, <dpd.ch>, <dpd.com>, <dpd.net>, <dpd.in>, <dpd.lu>, <dpd.fr>, <dpd.eu>, <dpd.ru>, <dpdgroup>, and <dpd-group>.

According to the publicly available WhoIs the Domain Name was registered on March 12, 2023.

At the time of filing the Complaint, the Domain Name resolved to a website that imitates Complainant’s corporate website and promotes complementary services to those offered by Complainant.

5. Parties’ Contentions

A. Complainant

Complainant claims that the Domain Name is confusingly similar to Complainant’s Mark in that it contains Complainant’s Mark in its entirety together with the words “best”, “delivery” and “online”. Complainant goes on to suggest that these additions do not distinguish the Domain Name from Complainant’s Mark and such use merely serves to heighten confusion among potential Internet users with Complainant’s Mark, domain names, website and the services that it offers through them.

Complainant states that to the best of its knowledge, Respondent is not commonly known under the Domain Name nor is he offering a *bona fide* offer of product or services. Complainant further states that it has not

authorized, licensed or permitted Respondent to use Complainant's Mark in the Domain Name or elsewhere, nor does it have a relationship with Respondent.

Complainant asserts that the Domain Name was registered and is being used in bad faith as the homepage of the Domain Name identically reproduces Complainant's website's look and feel as well as reproducing several of Complainant's Marks, being the red cube and the "DPD" Mark:



Complainant claims that Respondent has built a confusing imitation of Complainant's corporate website thereby causing confusion and taking advantage of Complainant's reputation for commercial gain.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

For the reasons set out below the Panel finds for Complainant.

A. Identical or Confusingly Similar

Complainant has established it is the owner of Complainant's Mark, at least through its various trade mark registrations as referred to above.

The Domain Name reproduces Complainant's Mark, containing the letters DPD, in its entirety. The Domain Name also includes the English words: "best" and "delivery" all of which have resonance in relation to parcel delivery services. More to the point, the inclusion or addition of these words does not prevent a finding of confusing similarity. See section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Further, Complainant's Mark is clearly recognizable in the Domain Name notwithstanding the addition of these words. See section 1.7 of [WIPO Overview 3.0](#).

The Domain Name is therefore confusingly similar to Complainant's Mark.

The first ground under the Policy is made out.

B. Rights or Legitimate Interests

Notwithstanding the above, does Respondent have some basis to claim rights or legitimate interests in the Domain Name? Respondent is silent as to what such right or interest might be. Complainant on the other hand asserts that Respondent has no authority to use the Domain Name and has no connection with Complainant.

In addition, Complainant asserts, without contradiction, that the Domain Name was registered and is being used as or on the homepage of the Domain Name, which identically reproduces Complainant's website's look and feel, as well as reproducing several of Complainant's Marks, being the so-called red cube and the "DPD" Mark. The alleged "look-alike" red cube device used by Respondent is set out above. It does appear to be similar to Complainant's red cube device.

In addition, Complainant argues that the Domain Name is likely to cause confusion amongst Internet users

who would be visiting Respondent's site. This argument is well made, and the Panel is satisfied that such Internet users are likely to mistake Respondent's website and services for Complainant and its services.

It follows that Respondent's conduct is likely to mislead members of the public and such conduct is therefore not legitimate and Respondent cannot establish rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy.

Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the Domain Name.

Complainant has established the second ground under the Policy.

C. Registered and Used in Bad Faith

As previously noted, Complainant contends that Respondent has registered and used the Domain Name in a manner that is likely to confuse customers, going on to argue that this represents bad faith conduct on Respondent's part.

These allegations are not challenged by Respondent. Accordingly, given the prior use and repute of Complainant and its registration rights in Complainant's Mark, the Panel is satisfied that the Domain Name was registered improperly and with the requisite knowledge on Respondent's part and has since been used in a manner likely to mislead members of the public. This view is fortified by the fact that Respondent has created a logo/device which is confusingly similar to Complainant's red cube device.

Accordingly, the Panel finds that the Domain Name was registered and used in bad faith.

Complainant has therefore established the third ground under 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 Domain Name <dpdbestdelivery.online> be transferred to Complainant.

/Clive L. Elliott/

Clive L. Elliott

Sole Panelist

Date: July 11, 2023