

ADMINISTRATIVE PANEL DECISION

LEGO Juris A/S v. Walid Baallal

Case No. D2023-3119

1. The Parties

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

The Respondent is Walid Baallal, Morocco.

2. The Domain Name and Registrar

The disputed domain name <elego.store> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 20, 2023. On July 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same date, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 21, 2023 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 26, 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 Respondent of the Complaint, and the proceedings commenced on July 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 17, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on August 22, 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 company established in Denmark and is the proprietor of the trademarks used by the LEGO group of companies (“Lego Group”) in connection with the manufacture and sale of the famous LEGO brands of construction toys and other LEGO branded products. Lego Group was founded in 1932 and LEGO products are now sold in more than 130 countries.

Registered trademarks held by the Complainant include Denmark trademark number VR 1954 00604 LEGO registered on May 1, 1954 and International trademark number 287932 LEGO registered on August 27, 1964 designating a number of countries including Morocco.

The Domain Name was registered on March 6, 2023. It resolves to an online shop offering for sale a range of clothing and footwear.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its LEGO trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith to attract visitors and generate traffic to the website at the Domain Name.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in its famous LEGO trademark (the “Mark”), both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark for very many years. Ignoring the generic Top-Level Domain (“gTLD”) “.store”, the Domain Name comprises the entirety of the LEGO mark, with the addition of the letter “e”. In the view of the Panel, the addition of this letter does not prevent a finding of confusing similarity between the Domain Name and the Mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized by the Complainant to use its Mark. The Panel recognizes that it is conceivable that the Respondent adopted the term “elego” to compose the disputed domain name for an online clothing and footwear store, alluding to the adjective “elegance”. However, there is no evidence that this is so, and the Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. There is no suggestion that “elego” has any relevant meaning in the French or Arabic languages used on the website and no indication that the Respondent has ever been known as “Elego”. Rather, the term “elego” alludes to an e-commerce site selling the Complainant’s products.

The website at the Domain Name, including the “Contact Us” page, gives no information as to the operator of the website. In the circumstances, the Panel does not consider that the Respondent has used the Domain Name in connection with a *bona fide* offering of goods or services, and the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, comprising as it does the famous trademark LEGO, and the absence of any rights or legitimate interests in the Domain Name as discussed above, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The Panel considers that the Respondent registered the Domain Name with a view to confusing Internet users into believing that the website at the Domain Name was operated or authorised by the Complainant and to attract users to its online store for commercial gain.

Accordingly, the Panel finds that the Domain Name was 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 Domain Name <elego.store> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: September 5, 2023