

## **ADMINISTRATIVE PANEL DECISION**

DPDgroup International Services GmbH & Co v. Andy Mani, Dynamic Parcel Distribution

Case No. D2024-2379

### **1. The Parties**

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

The Respondent is Andy Mani, Dynamic Parcel Distribution, United States of America.

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

The disputed domain name <dpd-shipping.com> is registered with Wild West Domains, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 31, 2024. On June 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (No information provided) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 2024 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 June 14, 2024.

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 June 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 8, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on July 10, 2024. 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**

According to information in the Complaint, the Complainant is a leading domestic parcel delivery network. With 57,000 delivery experts and a network of more than 108,000 pickup points, the group delivers 5.3 million parcels each day and had EUR 15.7 billion turnover in 2023.

The Complainant is the holder of various trademarks for DPD, such as the International trademark registration no. 1217471, registered on March 28, 2014, for goods and services in classes 9, 16, 35, 39 and 42, designating among others the United States of America. Also, the Complainant is the owner of numerous domain names that include DPD, including the domain name <dpd.com> registered as of March 20, 1991, which the Complainant uses as its official website.

The disputed domain name was registered on February 1, 2024 and it resolves to a website purporting to promote or offer shipping, logistics, cargo express, or custom brokerage services.

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

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademarks and domain names, as the dominant and distinctive element, DPD, is reproduced in its entirety and identically in the disputed domain name. The association with "shipping", which is a descriptive term, is just as confusing as it refers to the activities offered on the website at the disputed domain name and to the Complainant's activities.

As regards the second element, the Complainant argues that there is no business or legal relationship between the Complainant and the Respondent. Moreover, the Respondent has not been authorized by the Complainant to use the trademark DPD. The disputed domain name leads to an active website which is completely fraudulent as it refers to the Complainant's trademarks for identical activities without the Complainant's authorization. This does not amount to legitimate or bona fide conduct and supports an inference that the Respondent has no rights or legitimate interests in the disputed domain name, as per the Complainant.

With respect to the third element, the Complainant submits that it has been operating since 1977, and has 32,000 pickup points in 230 different countries. On the other hand, the disputed domain name was registered on February 1, 2024, and in light of the reputation of the Complainant and the scope of its operations, it is obvious that the Respondent had knowledge of both the Complainant and its trademarks at the time the disputed domain name was registered.

As regards the use, the Complainant contends that the Respondent is deliberately using the disputed domain name to create confusion with the Complainant in order to give credibility to its scams and phishing operations. The contact addresses indicated on the website at the disputed domain name are wrong or not exact. The Respondent's website contains no Service terms or Dispute policy. The Respondent uses the disputed domain name to resolve to a website that promotes the same services to those offered by the Complainant. Internet users seeing the Complainant's trademark inside the disputed domain name are likely

to think that they are at the Complainant's website, or at least that the services being promoted are affiliated to the Complainant.

In addition, the Complainant argues that the Respondent's use of the disputed domain name constitutes infringement of its prior trademarks, company name, and domain names, and also criminal offense punished by law: identity theft, criminal fraud with money extortion.<sup>1</sup>

## **B. Respondent**

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

## **6. Discussion and Findings**

No response has been received from the Respondent in this case. The Center has employed the required measures to achieve actual notice of the Complaint to the Respondent, in compliance with the Rules, paragraph 2(a), and the Respondent was given a fair opportunity to present its case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.2.

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 name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7. It is the settled view of panels applying the Policy that the Top-Level Domain ("TLD") (here ".com") should be disregarded under the first element test.

The Complainant has shown rights in respect of the trademark DPD for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "shipping" and a hyphen) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

---

<sup>1</sup>The Panel will only address the Complaint on the basis of the UDRP, as any claims of trademark infringement or criminal activities should be addressed technically to another forums.

## B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

According to the un rebutted evidence with the Complaint, the disputed domain name resolves to a website purporting to offer delivery services, similar or complementary to those offered by the Complainant under the DPD trademark. The disputed domain name incorporates the DPD trademark in combination with the word “shipping”, which makes it confusing similarity with the Complainant’s trademark and services. The confusion is increased by the content of the website at the disputed domain name, which appears to purportedly offer services that are similar or complementary to those of the Complainant. In the absence of argument to the contrary from the Respondent, the Panel is satisfied on balance that the Respondent has registered the disputed domain name to divert the Internet traffic for commercial gain, and to offer them services that are similar or related to the services of the Complainant. The Panel notes, however, that there appears to be no actual offer of services, as some services are not properly identified, rather containing text in Latin, generally used for template websites. This cannot amount in the Panel’s view to a bona fide offering of goods or services within the meaning of paragraphs 4(c)(i) of the Policy.

The Respondent is Andy Mani, Dynamic Parcel Distribution, but there is no evidence that it is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The Respondent has not submitted any evidence that it exists and carries out business under the name “Dynamic Parcel Distribution” as indicated on the website at the disputed domain name. The evidence in the case also shows that the contact details provided by the Respondent for the registration of the disputed domain name are non-existent. The Panel considers more likely than not that the Respondent chose the name “Dynamic Parcel Distribution” for the registration details of the disputed domain name in an apparent attempt to justify the selection of a disputed domain name incorporating the acronym “dpd”. Noting the lack of evidence on the existence of such organization, that the Respondent appears to be located in the United States of America (where the Complainant has registered trademark rights), that both Parties are operating in the same or related business field, and the lack of any evidence supporting a legitimate use, the Panel finds that such purported name is not sufficient to give rise to rights or legitimate interests.

Furthermore, the nature of the disputed domain name, that includes the Complainant’s trademark in its entirety, together in with a term related to the Complainant’s business, carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

According to the un rebutted assertions of the Complainant, its trademarks were widely used in commerce well before the registration of the disputed domain name. The disputed domain name is confusingly similar with the Complainant's trademark. Given also the content of the website at the disputed domain name (which purports to offer similar services or complementary services to those of the Complainant), it is most likely that the Respondent was aware of the Complainant's trademark at the registration date of the disputed domain name. The Respondent provided no explanations for why it registered the disputed domain name.

As regards the use, the Panel concludes on this record that the Respondent is in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, by directing the disputed domain name to a website purporting to offer services similar or complementary to those of the Complainant, which create the false impression that the services are somehow affiliated with or sponsored by the Complainant.

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 name <dpd-shipping.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: July 21, 2024