

ADMINISTRATIVE PANEL DECISION

**The Pink Pig SA, Jorge Pork Meat, SL v. Hof Altenkamp KG,
ELEKTRONIKUS SP ZOO**
Case No. D2024-3328

1. The Parties

The Complainants are The Pink Pig SA, Spain (“First Complainant”), and Jorge Pork Meat, SL, Spain (“Second Complainant”), represented by Integra, Spain.

The Respondent is Hof Altenkamp KG, ELEKTRONIKUS SP ZOO, Poland.

2. The Domain Name and Registrar

The disputed domain name <thepink-pig-sa.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2024. On August 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 15, 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 (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 16, 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 August 29, 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 August 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 19, 2024. Aside from informal communications on August 16 and 30, 2024, the Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on September 20, 2024.

The Center appointed Mladen Vukmir as the sole panelist in this matter on September 27, 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

The Complainants are Spanish companies that are part of the international Spanish meat group known as Grupo Jorge.

The Second Complainant is the owner of THE PINK PIG GRUPO JORGE trademark registered in European Union on October 28, 2020, under the registration number 018021517 for goods and services in classes 29, 35, 39 of International Classification (“THE PINK PIG GRUPO JORGE trademark”).

The First Complainant owns the domain name <thepinkpig.es>, which redirects to the main Grupo Jorge website created under the domain name <jorgesl.com>.

The disputed domain name was registered on September 22, 2022, and resolves to a website prominently featuring THE PINK PIG GRUPO JORGE trademark. The website created under the disputed domain name gives the impression of being a website operated by the Complainants, offering products and services of the Complainants, and reproducing the contact address of the Complainants.

In this decision, the First Complainant and the Second Complainant will be referred to as “the Complainant”.

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:

(i) the disputed domain name is identical or confusingly similar to its THE PINK PIG GRUPO JORGE trademark used with respect to various goods and services related to meat, particularly pork. It argues that the disputed domain name fully incorporates the Complainant’s trademark, and adds the word “sa” which corresponds to the corporate form of the company. The Complainant asserts that there is clear confusion between the disputed domain name and THE PINK PIG GRUPO JORGE trademark. The content of the website created under the disputed domain name utilizes THE PINK PIG GRUPO JORGE trademark without authorization;

(ii) the Respondent has no rights or legitimate interests in the disputed domain name. On the disputed domain name there have been offered products and services the same as the Complainant’s. The address listed on the website created under the disputed domain name corresponds to the Complainant’s actual business address, further indicating fraudulent intent of the Respondent. The Complainant asserts that the Respondent’s actions demonstrate bad faith, as the disputed domain name is used to impersonate the Complainant and mislead third parties, thus violating legitimate business interests;

(iii) the Respondent has registered and is using the disputed domain name in bad faith. The Respondent’s registration and use of the disputed domain name is infringing the Complainant’s THE PINK PIG GRUPO JORGE trademark, it constitutes obvious fraud and an attempt to confuse consumers by usurping legal market position of the Complainant. The Respondent created the content on the website created under the disputed domain name impersonating the Complainant and using its address.

B. Respondent

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

The Respondent has sent an informal communication to the Center on August 16, 2024, asking who filed the complaint, and a second informal communication to the Center on August 30, 2024, asking about the communications methods in the proceeding. The Respondent has not submitted any substantial information, nor response to the Complainant's contentions.

6. Discussion and Findings

6.1. Procedural Issue - Consolidation of Complainants

Affiliated companies have standing to file a complaint under the Policy, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") section 1.4.1.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. [WIPO Overview 3.0](#), section 4.11.1.

The Complaint was filed by two Complainants. The Complainants are related corporate entities, parts of an international Spanish meat group, and have a common legal interest sufficient to justify consolidation. The Respondent has engaged in targeting with respect to each of the Complainants.

This Panel finds that the First and the Second Complainant, jointly comprising the Complainant, have a specific common grievance, and it is equitable and procedurally efficient to allow consolidation in circumstances of this case.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

Assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. Thus, the Panel disregards design element of the Complainant's trademark for the purposes of the confusing similarity check. [WIPO Overview 3.0](#), section 1.10.

The Panel finds sufficient elements of the trademark are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. Moreover, the Panel notes the website content at the disputed domain name, identically incorporating the entirety of the Complainant's figurative mark and other content associated with the Complainant, supports this finding of confusing similarity. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, sign “-” and term “sa”) 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 trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain “.com” is a standard registration requirement and as such may be disregarded under the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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

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. The Respondent has participated informally in this proceeding, but failed to reply to the Complainant’s contentions or provide any evidence of rights or legitimate interests in the disputed domain name.

The Respondent is not authorized by the Complainant to use THE PINK PIG GRUPO JORGE trademark, and there is no indication that the Respondent is known under the disputed domain name. There is no apparent relation from the records between the Respondent and Complainant, neither does it arise that the Complainant has ever licensed or otherwise permitted the Respondent to use its trademark, or to apply for or use any domain name incorporating the same trademark.

There is no evidence in the case file or otherwise apparent to the Panel that the Respondent has been using the disputed domain name in connection with bona fide offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name. The Respondent has failed to provide response to the Complainant, and accordingly failed to rebut the Complainant showing that the Respondent has no rights or legitimate interest in the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, here, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the website created under the disputed domain name contains the Complainant's THE PINK PIG GRUPO JORGE trademark, on said website products and services the same as the Complainant's have been offered, the contact address of Complainant has been reproduced, and the impression as being a website operated by the Complainant has been the given.

The Panel believes that the Respondent was aware of the Complainant when it registered the disputed domain name. By registering the disputed domain name, which is identical to the First Complainant's corporate name, and confusingly similar to the Second Complainant's THE PINK PIG GRUPO JORGE trademark, and then using the disputed domain name for a website that impersonates the Complainant, shows that the Respondent knew of the Complainant. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

Panels have held that the use of a domain name for illegitimate activity, here, impersonation/passing off, constitutes bad faith. The Complainant submitted evidence as to show that the Respondent used the disputed domain name for the activity of impersonating. Specifically, when a respondent registers and uses a domain name that is identical or confusingly similar to a complainant's trademark, and then engages in activities that suggest they are the rightful owner of the brand, this constitutes impersonation. This behaviour misleads users into believing they are interacting with the complainant, often for commercial gain, damaging the complainant's reputation. In such case, bad faith is clear, as the respondent's intent is not to offer legitimate goods or services, but to exploit the complainant's identity for deceptive purposes. [WIPO Overview 3.0](#), section 3.4.

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 <thepink-pig-sa.com> be cancelled.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: October 11, 2024