

ADMINISTRATIVE PANEL DECISION

Ankerkraut GmbH v. Name Redacted¹
Case No. D2024-4047

1. The Parties

The Complainant is Ankerkraut GmbH, Germany, represented by Squire Patton Boggs (US) LLP, Germany.

The Respondent is Name Redacted.

2. The Domain Name and Registrar

The disputed domain name <ankerkrautde.shop> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 4, 2024. On October 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 4, 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 (Unknown/Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 7, 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 amendment to the Complaint on October 10, 2024.

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”).

¹ The Respondent appears to have used the name of a third party when registering the Domain Name. In light of the potential identity theft, the Panel has redacted the Respondent’s organization name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 4, 2024.

The Center received email communications from third parties on October 18 and October 22, 2024.

The Center appointed Adam Samuel as the sole panelist in this matter on November 7, 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 Complainant is a German company that makes spices, sauces and teas. It owns, among others, a European Union trademark for ANKERKRAUT, registration number 015169832, registered on August 3, 2016. The Complainant has registered the domain name <ankerkraut.de> through which it promotes its products.

The disputed domain name was registered on June 9, 2024. It resolves to a website offering various food and other products for sale at reduced prices.

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.

The Complainant owns various trademark registration for the name ANKERKRAUT. The disputed domain name is confusingly similar to the Complainant's extensively used trademark. The addition of "de" to the Complainant's trademark in the disputed domain name creates a confusion with the Complainant's domain name <ankerkraut.de>, which intensifies the confusing similarity between the disputed domain name and the Complainant's trademark.

The Respondent is not affiliated with the Complainant or licensed to use the Complainant's trademarks.

The Respondent is neither commonly known by the disputed domain name nor has it acquired any trademark rights in the name through a bona fide offering of goods or services. Instead, the use of the Complainant's well-known trademarks appears to be aimed solely at making Internet users believe that the website available under the disputed domain name is operated by the Complainant, and thus at attracting consumers to that website. This is emphasized by the fact that the term "ankerkrautde", which incorporates the Complainant's trademarks and resembles the Complainant's domain "ankerkraut.de", is prominently used on the website available at the disputed domain name.

The overall impression of the website confirms the suspicion that this is a fraudulent concept in the form of a fake shop. It is particularly striking that almost all of the goods offered on the website, including various trademarked products (e.g. "Alnatura" products), are offered at drastically reduced prices. Furthermore, the links provided on the website to social media sites (Facebook, Twitter, Instagram) do not work. In addition, the website makes reference to various companies. While the terms and conditions and data protection policy give one company as the responsible entity, the withdrawal policy (available at "www.ankerkrautde.shop/refund returns") lists another.

The disputed domain name was registered and is used in bad faith as it uses the Complainant's trademarks to attract Internet users to the Respondent's website, based on a likelihood of confusion with the Complainant's trademarks. Given the prior and substantial use of the Complainant's trademarks, the Respondent appears to have both, actual and constructive knowledge of the Complainant's marks, which shows that the disputed domain name was intentionally registered to benefit unfairly from the goodwill of the Complainant's trademarks. This is underpinned by the fact, that the Respondent uses the domain name of the Complainant, "ankerkraut.de", identically within the Second-Level Domain of the disputed domain name. Furthermore, the Complainant has been informed by consumers, who associated the website under the disputed domain name with the Complainant, that after the purchase of goods on the website available under the disputed domain name, the credit card used for the purchase was repeatedly debited by a company known for sports betting. This fraudulent use of the website by the Respondent contradicts the reputation of the Complainant's trademarks.

In summary, the Respondent's use of the disputed domain name is a deliberate use of the confusion created by the similarity of the disputed domain name to the Complainant's trademarks.

B. Respondent

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

6. Discussion and Findings

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

The disputed domain name consists of the Complainant's trademark, the letters "de" which commonly denotes Germany, the country where the Complainant is based, and the generic Top-Level Domain ("gTLD") ".shop".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.8 of the [WIPO Overview 3.0](#) says:

"Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, [...] or otherwise) would not prevent a finding of confusing similarity under the first element."

Here, the added term "de" describes the Complainant's country of origin.

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent is not called "ankerkraut" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used

the disputed domain name for any legitimate purpose. The uncontradicted evidence of the Complainant indicates that purchasers of goods through the disputed domain name subsequently had their credit cards repeatedly debited by a sports betting company.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

The disputed domain name consists of the Complainant's made-up name and trademark and the country code associated with Germany where the Complainant is based. The disputed domain name is very similar to the Complainant's <ankerkraut.de> domain name through which it sells its own food-related goods. The website to which the disputed domain name resolves sells food and other goods.

The Panel concludes from this that the Respondent knew of the Complainant and its business and sought to create confusion among Internet users between its website and the Complainant or its website. The Respondent used the disputed domain name to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website and the products on its website or location. This constitutes registration and use in bad faith: paragraph 4(b)(iv) of the Policy. That is sufficient for the Panel to conclude that the Complainant has met this element.

The Center has received an email from the representative of the individual listed with the Registrar as the disputed domain name's registrant. This indicates that this individual is not the registrant and that his identity has been used by the Respondent without his permission. Further, the Respondent's website gives the name of a company as responsible for its data protection. A representative of this company sent an email communication to the Center in which they indicated that the Respondent had fraudulently stolen its contact information. This uncontroverted evidence further supports the Panel's conclusion.

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 <ankerkrautde.shop> be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: November 13, 2024