

ADMINISTRATIVE PANEL DECISION

LE PORC GOURMET, SA, JORGE PORK MEAT, SL v. Leonie Dreher
Case No. D2024-4421

1. The Parties

The Complainants are LE PORC GOURMET, SA, Spain (“First Complainant”) and JORGE PORK MEAT, SL, Spain (“Second Complainant”), represented by Integra, Spain.

(unless stated otherwise hereunder, First Complainant and Second Complainant, collectively referred to as the “Complainant”)

The Respondent is Leonie Dreher, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <leporcgourmetsa.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2024. On October 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 30, 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 (Hidden for privacy reasons) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 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 October 31, 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 November 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 27, 2024.

The Center appointed Alexander Duisberg as the sole panelist in this matter on December 5, 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 jointly the company LE PORC GOURMET, SA, and the company JORGE PORK MEAT, SL. The Complainant is part of the internationally renowned Spanish meat group known as GRUPO JORGE. GRUPO JORGE is currently one of the biggest exporters of pork in Europe, supplying it to over 100 countries across the world. The Complainant's domain name <leporcgourmet.es> is redirected to the main website of the group "www.jorgesl.com".

The Second Complainant JORGE PORK MEAT, SL is the owner of the following trademark registration and design mark ("LE PORC GOURMET Trademark"):

European Union ("EU") trademark 018021515 LE PORC GOURMET GRUPO JORGE; registered on July 20, 2019, and in force for the following goods and services in class 29, class 35, and class 39.

The Complainant provided a copy of the EU Trademark Registration Certificate 018021515.

The Respondent registered the disputed domain name on September 6, 2024. The First Complainant had registered the LE PORC GOURMET Trademark before the registration of the disputed domain name. The Complainant successfully enforced its rights against a series of infringing domain names apparently controlled by the same person(s) as the disputed domain name, and include the domain names are as follows:

- <Fortunepigsl.es> (blocked content)
- <Porcgourmet.es> (blocked content)
- <Thepinkpigsa.es> (cancelled)
- <Leporcgourmet.es> (terminated)
- <Thepinkpig.es> (cancelled)
- <Fortunepigs.es> (cancelled)
- <thepinkpig-sa.com> (cancelled)
- <thepinkpig.eu> (cancelled)
- <Jorgesl.com.es> (cancelled)
- <Leporcgourmets.com> (cancelled)
- <Leporcgourmets.es> (cancelled)
- <Primacarne.net> (cancelled)
- <Thepinkpig-es.com> (cancelled)
- <Leporcgourmetsa.es> (cancelled)
- <Thepinkpig.com.es> (cancelled)
- <Thepinkpigsa.com> (cancelled)
- <Fortunepigs.com> (cancelled)
- <Leporcgourmetsa.com> (cancelled)
- <Thepink-pig-sa.com> (cancelled)
- <Thepinkpigsa.eu> (cancelled)
- <Thepinkpigsa.com.es> (cancelled)
- <Thepinkpigsa.es> (cancelled)
- <Thepinkpigs-sa.es> (cancelled)

The Panel notes that the Complainant has conducted numerous UDRP proceedings in respect of various domain names mentioned above, including the following cases: *The Pink Pig SA, Jorge Pork Meat, SL v. PINK PIG*, WIPO Case No. [D2023-4912](#); *LE PORC GOURMET, SA /JORGE PORK MEAT, SL v. Mathew*

Lenning, WIPO Case No. [D2024-1631](#); *The Pink Pig SA, Jorge Pork Meat, SL v. Hof Altenkamp KG, ELEKTRONIKUS SP ZOO*, WIPO Case No. [D2024-3328](#); *Le Porc Gourmet SA, and Jorge Pork Meat, SL v. NATURAFRIG ALIMENTOS*, WIPO Case No. [D2023-4909](#); *The Pink Pig SA v. John Deleo*, WIPO Case No. [D2023-2244](#); *FORTUNE PIG, SL, JORGE, SL v. MBOTA 16*, WIPO Case No. [D2024-3068](#); *The Pink Pig SA and Jorge Pork Meat SL v. Blanco Jose Luis*, WIPO Case No. [DEU2023-0020](#); *The Pink Pig SA and Jorge Pork Meat, SL v. amina acadey, Emperor*, WIPO Case No. [D2024-1332](#).

The Respondent did not reply to the Complaint.

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 LE PORC GOURMET Trademark is in full use and part of a family of renowned trademarks, held by the leading company GROUPO JORGE. The Complainant contends that the disputed domain name is fully included in the LE PORC GOURMET Trademark.

The Complainant states that the disputed domain name was registered without rights or legitimate interest, since the domain is identical to the LE PORC GOURMET Trademark. The Complainant asserts that the disputed domain name resolves to a website that is offering pork products for sale, and states that these products falsely give the impression to be products made and sold by the Complainant. The Complainant has submitted screenshots of the Respondent's website which offers meat products and services. Notably, the Complainant contends that on the website there are different pictures of meat products such as a pork head and pork bacon. The Complainant states that the website gives the impression to be connected with the Complainant's business as the website reproduces the logo of the Complainant. Also, the Complainant states that the address in the contact section of the domain corresponds with the address of the Complainant.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant states that the registration of the disputed domain name is an obvious attempt of fraud to cause confusion amongst customers as the Respondent uses the Complainant's address. In addition, the Complainant contends that the disputed domain name "www.leporcgourmetsa.com" was just canceled on June 14, 2024 (see *LE PORC GOURMET, SA / JORGE PORK MEAT, SL v. Mathew Lenning*, WIPO Case No. [D2024-1631](#)) and now, the same domain name is hosted again with identical content.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel acknowledges the consensus view – as set forth in paragraph 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)") – that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant.

The Complainant must establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name omits the elements GRUPO JORGE from the LE PORC GOURMET Trademark, which however remains recognizable. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 (see *The Pink Pig SA v. John Deleo*, WIPO Case No. [D2023-2244](#); *Le Porc Gourrmet SA, and Jorge Pork Meat, SL v. NATURAFRIG ALIMENTOS*, WIPO Case No. [D2023-4909](#); *The Pink Pig SA and Jorge Pork Meat SL v. Blanco Jose Luis*, WIPO Case No. [D2023-0020](#)).

The ".com" generic Top-Level Domain ("gTLD") is typically disregarded for the purpose of the comparison with the LE PORC GOURMET Trademark on the basis that this is a mere technical requirement for registration (*The Pink Pig SA and Jorge Pork Meat SL v. Blanco Jose Luis*, WIPO Case No. [DEU2023-0020](#)).

Although the addition of other terms here, "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 mark for the purposes of the Policy (see *The Pink Pig SA v. John Deleo*, WIPO Case No. [D2023-2244](#); *LE PORC GOURMET, SA /JORGE PORK MEAT SL v. Mathew Lennings*, WIPO Case No. [D2024-1631](#); *The Pink Pig SA and Jorge Pork Meat, SL v. amina acadery, Emperor*, WIPO Case No. [D2024-1332](#)). [WIPO Overview 3.0](#), section 1.8.

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 LE PORC GOURMET Trademark is well-known and has been registered and used preceding the date of the Respondent's registration of the disputed domain name. The Complainant has neither authorized the Respondent to use the LE PORC GOURMET Trademark nor is the Respondent in whatever manner affiliated with the Complainant.

The disputed domain name is essentially identical to the First Complainant's name and leads to an online shop. The online shop allegedly offers different meat products while prominently displaying the prominent portion of the LE PORC GOURMET Trademark, a physical address associated with the First Complainant, and the First Complainant's registered logo. Hence, the Respondent takes unfair commercial benefit on the repute of the LE PORC GOURMET Trademark for the Respondent's own gain. Against this background there are neither indications for a bona fide offering nor for a noncommercial or fair use of the disputed domain name.

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.

A registration under bad faith occurs where the Respondent knew or should have known of the registration and use of the trademark prior to registering the disputed domain name (*see Philip Morris Products S.A. v. Hcc liu, 1*, WIPO Case No. [D2024-1243](#); *Arkema France v. Cassandra Burton, DOW CHEMICAL COMPANY*, WIPO Case No. [D2024-1981](#)). The Panel notes that the LE PORC GOURMET Trademark was registered internationally prior to the registration of the disputed domain name. Also, the Respondent uses the logo registered by the First Complainant for the LE PORC GOURMET Trademark on the website run by the Respondent under the disputed domain name. Using this logo on the website, which is closely connected to the LE PORC GOURMET Trademark and that impersonates the First Complainant clearly indicates that the Respondent must have known the First Complainant (*see The Pink Pig SA and Jorge Pork Meat, SL v. amina acadey, Emperor*, WIPO Case No. [D2024-1332](#)). The Panel considers that the disputed domain name contains the most prominent part of the LE PORC GOURMET Trademark as well as the complete corporate name of the first company of the Complainant with the addition of the term "sa", which is the abbreviation of "Sociedad anonima" in the Spanish language (*see The Pink Pig SA v. John Deleo*, WIPO Case No. [D2023-2244](#); *Le Porc Gourmet SA, and Jorge Pork Meat, SL v. NATURAFRIG ALIMENTOS*, WIPO Case No. [D2023-4909](#); *The Pink Pig SA and Jorge Pork Meat SL v. Blanco Jose Luis*, WIPO Case No. [DEU2023-0020](#)).

The Panel finds that the Respondent must have had knowledge of the registration of the LE PORC GOURMET Trademark prior to the registration of the disputed domain. The Panel considers that the Respondent has intentionally attempted to attract Internet users for commercial gain (*see The Pink Pig SA and Jorge Pork Meat, SL v. amina acadey, Emperor*, WIPO Case No. [D2024-1332](#)). The Panel is of the view that the Respondent had knowledge of the LE PORC GOURMET Trademark.

The Respondent has attempted to attract Internet users to its website for commercial gain. The Panel finds that this results in creating a likelihood of confusion with the Complainant's trademark as to affiliation of the Respondent's website. The Panel also finds that displaying the Complainant's address on the website of the Respondent is causing a likelihood of confusion with the Complainant's company, which results in disrupting

the business of the Complainant according to paragraph 4(b)(iii) of the Policy (see *LE PORC GOURMET, SA / JORGE PORK MEAT, SL v. Mathew Lennings*, WIPO Case No. [D2024-1631](#); *The Pink Pig SA, Jorge Pork Meat, SL v. Hof Altenkamp KG, ELEKTRONIKUS SP ZOO*, WIPO Case No. [D2024-3328](#)).

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 <leporcgourmetsa.com> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: December 19, 2024