

ADMINISTRATIVE PANEL DECISION

Nanu-Nana Joachim Hoepp GmbH & Co. KG v. ordqs bumwb
Case No. D2025-0749

1. The Parties

The Complainant is Nanu-Nana Joachim Hoepp GmbH & Co. KG, Germany, represented by NORDEMANN, Germany.

The Respondent is ordqs bumwb, United States of America.

2. The Domain Name and Registrar

The disputed domain name <nanunanashop.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2025, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 2025, 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 February 26, 2025.

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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2025.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on March 25, 2025. 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 affiliated to the NANU-NANA Group, which operates a chain of retail stores in Europe offering a wide range of articles in the fields of home & living, kitchen appliances, home accessories, decoration and the like. It counts more than 300 points of sale, as well as an online web shop at the domain name <nanu-nana.de>. The Complainant's Instagram account has more than 300,000 followers.

The Complainant owns several trademarks protecting the terms "Nanu", "Nana", or "Nanu-Nana", such as:

- European Union Trademark ("EUTM") No. 006217814 NANU-NANA, registered on April 11, 2011, in classes 16, 18, 20, 21, 24, 25, 28, and 35;
- United Kingdom No. UK00003702330 NANU-NANA, registered on May 6, 2022, in numerous classes; and
- EUTM No. 006218879 NANU, registered on May 26, 2016, in classes 4, 6, 9, 18, 20, 21 24, 26, and 35.

The disputed domain name was registered on November 16, 2024. The disputed domain name is linked to a German-language website with an appearance similar to the Complainant's official website, which displays the Complainant's trademarks including its logo and sells home appliances, accessories and decoration.

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 its trademarks NANU, NANA and NANU-NANA as these are entirely incorporated into the disputed domain name. The addition of the term "shop" creates the false impression that the website is associated with the Complainant and does not prevent the finding of a confusing similarity.

The Complainant then affirms that the Respondent has no rights or legitimate interests in the disputed domain name as it is not affiliated with the Complainant in any way, has never been authorized to use its trademarks NANU, NANA or NANU-NANA and is not commonly known under that name. The Respondent's use of the website, which falsely gives the impression that it would be the Complainant's official website, cannot be considered a bona fide offering of goods and services.

The Complainant finally is of the view that the disputed domain name was registered and is being used in bad faith. The Respondent was obviously aware of the Complainant's trademarks when it registered the disputed domain name as the website linked to the disputed domain name includes copies of the Complainant's trademarks and reproduces images of the Complainant's products. Such a use obviously amounts to a usage in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “[...] decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a 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 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 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 term here “shop” 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.

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 Panel notes that the Respondent has used a similar look and feel to the one of the Complainant's website, reproducing prominently the Complainant's logo. Panels have further held that the use of a domain name for illegitimate activity, here the impersonation of the Complainant's website, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Even if the Respondent was to be a reseller of the Complainant's products, the Panel considers that the disputed domain name, which carries a risk of implied affiliation with the Complainant, used in connection with a commercial website prominently displaying the Complainant's mark (without any disclaimer), purportedly offering for sale same or similar goods as the ones sold by the Complainant, cannot confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), sections 2.5.1 and 2.5.3.

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 Respondent was obviously aware of the Complainant's trademarks as the website linked to the disputed domain name prominently displays its logo as well as images of the products sold by the Complainant.

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.

The Panel notes the use of the disputed domain name, which has been used in a manner likely to create an impression of being an official website of the Complainant when it is not. Panels have held that the use of a domain name for illegitimate activity, here the impersonation of the Complainant's website, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The use of the disputed domain name shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the paragraph 4(b)(iv) of 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 <nanunanashop.com> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: April 8, 2025