

ADMINISTRATIVE PANEL DECISION

Vente-privee.com v. Whois Privacy / Private by Design, LLC / Fen Liu
Case No. DCO2022-0073

1. The Parties

The Complainant is Vente-privee.com, France, represented by Cabinet Degret, France.

The Respondent is Whois Privacy / Private by Design, LLC / Fen Liu, China.

2. The Domain Names and Registrar

The disputed domain names <veepeetravel.co>, <veepeevoyage.co> and <veepeevoyages.co> (the “Domain Names”) are registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 31, 2022. On August 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 2, 2022 the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on September 5, 2022, 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 September 6, 2022.

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 September 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 10, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on October 18, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant sells goods and services such as fashion articles, travels, beauty products, food, shows and discount coupons, from the Vente-privee website. It runs a shopping club that has operated for almost 21 years. At the beginning of 2019, the Complainant rebranded its trademarks under the trademark VEEPEE. The Complainant's shopping group counted 72 million members in 2019. The turnover under the VENTE PRIVEE and VEEPEE trademarks had grown to 3.7 billion EUR in 2018.

The Complainant owns several trademarks incorporating the terms VENTE-PRIVEE and VEEPEE, such as European Union trademark registrations nos. 11.991.965, registered on January 14, 2014 and 17.442.245, registered on March 29, 2018 both registered before the Respondent registered the Domain Names.

The Domain Names appear to be registered on July 27, 2022. At the time of drafting the decision, the Domain Names redirected to websites with commercial links and/or pay-per-click advertisements, on which the Domain Names are offered for sale together.

5. Parties' Contentions

A. Complainant

The Complainant argues that the Domain Names are confusingly similar to the Complainant's trademark, as the added terms "voyage(s)" and "travel" are not likely to hinder the perception of the Complainant's trademark within the Domain Names. On the contrary, it will strengthen the risk that Internet users would believe that the Domain Names are operated by or associated with the Complainant.

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant in any way. There is no evidence that the Respondent is commonly known by the Domain Names or has previous rights in the Domain Names. The Respondent is not commercially linked to the Complainant. The Complainant argues that the Respondent cannot reasonably pretend to have a legitimate interest to own and use the Domain Names.

The Complainant submits that the Respondent knew or should have known about the Complainant and its trademark when the Respondent registered the Domain Names. The VEEPEE trademark is well-known at an international level, including in the tourism sector. VEEPEE is a distinctive term so that there are no explanations as to why the Respondent has chosen to register Domain Names confusingly similar to the Complainant's trademarks. Moreover, the Respondent has registered the Domain Names using a privacy service. When the Respondent's identity was revealed, the Complainant documents that the Respondent owns or had owned more than 1,000 domain names, and among those are some clearly typosquatting on famous trademarks. The Respondent has been found guilty of bad faith in at least three former UDRP decisions. Finally, the Domain Names have been offered for sale 950 USD each.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established rights in its trademark VEEPEE. The test for confusing similarity involves a comparison between the trademark and the Domain Names. In this case, the Domain Names incorporate the Complainant's trademark in its entirety, with the addition of "voyage(s)" and "travel". The additions do not prevent a finding of confusing similarity.

For the purposes of assessing confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the country code Top-Level Domain (“ccTLD”) “.co”.

The Panel finds that the Domain Names are confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant in any way. There is no evidence suggesting that the Respondent has any rights or legitimate interests in the Domain Names. The Complainant has not granted any authorization to the Respondent. The Respondent cannot establish rights in the Domain Names, as it has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Domain Names redirected to websites where the Domain Names are offered for sale. This is of course not *bona fide* use, but rather evidence of bad faith; see [WIPO Overview 3.0](#) section 2.9.

The Panel finds that the Complainant has made out an un rebutted case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Based on the case file, the Panel finds the Respondent knew of the Complainant’s trademark and its business when the Respondent registered the Domain Names.

The Respondent has registered high number of domain names, some of which are typo-squatting on famous trademarks. The Respondent has been found guilty of bad faith in previous UDRP decisions. The disputed domain names have been offered for sale 950 USD each. These circumstances are clear indications of bad faith.

The Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of the paragraph 4(a)(iii) 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 the Domain Names <veepeetravel.co>, <veepeevoyage.co> and <veepeevoyages.co> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: October 26, 2022