

PANEL DECISION

The Pink Pig SA, Jorge Pork Meat, SL v. blanco Jose Luiz
Case No. DEU2024-0026

1. The Parties

Complainants are The Pink Pig SA, Spain, and Jorge Pork Meat, SL, Spain, represented by Integra, Spain.

Respondent is blanco Jose Luiz, Netherlands (Kingdom of the).

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <thepinkpigs.eu> (the “Domain Name”) is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the Domain Name is Namecheap, Inc.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 16, 2024. On August 16, 2024, the Center transmitted by email to the Registry a request for registrar verification in connection with the Domain Name. On August 19, 2024, the Registry transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 Complainant on August 19, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 20, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified Respondent of the Complaint, and the proceedings commenced on August 21, 2024. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was September 10, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 11, 2024.

The Center appointed Marina Perraki as the sole panelist in this matter on September 16, 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 ADR Rules, Paragraph B(5).

4. Preliminary issues- Multiple Complainants

Neither the Regulation (EU) 2019/517 of the European Parliament and the Council of March 19, 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 (the “Regulation”) nor the ADR Rules expressly contemplate the possibility of an ADR complaint filed jointly by multiple complainants. However, prior domain name disputes decided pursuant to the Uniform Domain Name Dispute Resolution Policy (“UDRP”) have shown that under certain circumstances a single complaint filed by more than one complainant against a single respondent may be accepted. According to section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)¹, “[when] 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”. See also *Gymworld Inc. and Magformers UK Limited v. Vanbelle Jo, Vanbelle Law*, WIPO Case No. [DEU2017-0001](#), and *Take-Two Interactive Software, Inc. and Take-Two Interactive GmbH v. Auyhgf Awgega*, WIPO Case No. [DEU2020-0006](#). The First Complainant is a wholly owned subsidiary of the Second Complainant, hence the co-Complainants have a common grievance against Respondent, as they share common interests. In the circumstances, and absence of any objection on behalf of Respondent, the Panel accepts the single consolidated Complaint against Respondent, which it finds fair and equitable to all the parties. The Panel will refer to both Complainants as the “Complainant” herein below.

5. Factual Background

Complainants are part of the Spanish meat group Grupo Jorge. The second Complainant is the owner of THE PINK PIG trademark and the first Complainant is 100% owned by the second Complainant and is the main company of the group.

The second Complainant owns the European Union trademark registration No. 018021517, THE PINK PIG GRUPO JORGE (figurative), filed on February 11, 2019, and registered on October 28, 2020, for goods and services in international classes 29, 35 and 39.

The Domain Name was registered on July 4, 2024, and leads to a website (the “Website”) prominently displaying Complainant’s trademark and logo and offering products and services impersonating Complainant, reproducing the contact address of Complainant. Furthermore, per Complainant, offers have been made to third parties using the Domain Name impersonating Complainant.

6. Parties’ Contentions

A. Complainant

Complainant asserts that it has established all elements required under Paragraph B(11)(d)(1) of the ADR Rules for a revocation of the Domain Name.

¹ The Panel follows prior decisions under the UDRP and, given the similarities between the ADR Rules and UDRP, finds it appropriate to refer to UDRP jurisprudence, including reference to the [WIPO Overview 3.0](#).

B. Respondent

Respondent did not reply to Complainant's contentions.

7. Discussion and Findings

Under Paragraph B(11)(d)(1) of the ADR Rules, in order for the Complaint to succeed, it is for Complainant to establish:

- (i) that the Domain Name is identical or confusingly similar to a name in respect of which a right is recognised or established by the national law of a Member State and/or European Union law and;
- (ii) that the Domain Name has been registered by Respondent without rights or legitimate interests in the name; or
- (iii) that the Domain Name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Panel finds that the Domain Name is confusingly similar to the THE PINK PIG GRUPO JORGE trademark of Complainant.

The Panel finds that Complainant's trademark is recognizable within the Domain Name. The Domain Name incorporates the first and most characteristic part of the trademark of Complainant in its entirety. This is sufficient to establish confusing similarity ([WIPO Overview 3.0](#), section 1.7). The addition of the letters "sa" in the Domain Name, does not avoid a finding of confusing similarity ([WIPO Overview 3.0](#), section 1.8).

The country code Top-Level Domain ("ccTLD") ".eu" is disregarded, as ccTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only.

The Panel finds that the Domain Name is confusingly similar to the THE PINK PIG GRUPO JORGE trademark of Complainant.

Complainant has established Paragraph B(11)(d)(1)(i) of the ADR Rules.

B. Rights or Legitimate Interests

Under Paragraph B(11)(e) of the ADR Rules, a respondent may demonstrate its rights or legitimate interests to the domain name for purposes of Paragraph B(11)(d)(1)(ii) by showing any of the following circumstances, in particular but without limitation:

- (1) prior to any notice of the dispute, the respondent has used the domain name or a name corresponding to the domain name in connection with the offering of goods or services or has made demonstrable preparation to do so;
- (2) the respondent, being an undertaking, organisation or natural person, has been commonly known by the domain name, even in the absence of a right recognised or established by national and/or European Union law;
- (3) the Respondent is making legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognised or established by national law and/or European Union law.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complainant, Respondent was not authorized to register the Domain Name.

Complainant has established that it has no relation with Respondent and has never authorized Respondent to use the THE PINK PIG GRUPO JORGE trademark in any way and that Respondent is not commonly known by the Domain Name.

Respondent did not demonstrate any use of the Domain Name or a trademark corresponding to the Domain Name in connection with a bona fide offering of goods or services.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the ADR Rules or otherwise.

Respondent did not demonstrate any prior to the notice of the dispute use of the Domain Name or a trademark corresponding to the Domain Name in connection with a bona fide offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Name was used to host the Website and impersonate Complainant.

The Domain Name falsely suggested that the Website is an official site of Complainant or of an entity affiliated to or endorsed by Complainant. The Website extensively reproduced, without authorization by Complainant, Complainant's trademark and logo, without any disclaimer of association (or lack thereof) with Complainant.

These circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

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

Complainant has established Paragraph B(11)(d)(1)(ii) of the ADR Rules.

C. Registered or Used in Bad Faith

There is no need to separately address bad faith registration or use, in view of Panel's finding that Respondent has no rights or legitimate interests in the Domain Name. However, in this case the Panel briefly considers that the Domain Name has also been registered and used in bad faith.

Because the THE PINK PIG GRUPO JORGE mark had been used and registered by Complainant before the Domain Name registration, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Name and registered it in bad faith (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#)).

As regards bad faith use of the Domain Name, Complainant has demonstrated that the Domain Name was used to resolve to the Website, which prominently displayed Complainant's registered trademark, thereby giving the false impression that it was operated by Complainant, or a company affiliated to Complainant. The Domain Name was therefore used to intentionally create a likelihood of confusion with Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Oculus VR, LLC v. Sean Lin*,

WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4).

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Under these circumstances and on this record, the Panel finds that Respondent registered and used the Domain Name in bad faith.

Complainant has established Paragraph B(11)(d)(1)(iii) of the ADR Rules.

8. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the Domain Name <thepinkpigs.eu> be revoked.²

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: September 26, 2024

² The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.