

ADMINISTRATIVE PANEL DECISION

The Polo/Lauren Company L.P. v. Jurgen Neeme
Case No. DME2022-0006

1. The Parties

Complainant is The Polo/Lauren Company L.P., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Jurgen Neeme, Estonia.

2. The Domain Name and Registrar

The disputed domain name <ralphlauren.me> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 20, 2022. On April 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 21, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on April 21, 2022, 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 April 25, 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 Respondent of the Complaint, and the proceedings commenced on May 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 28, 2022.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on June 15, 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 by the Center to ensure compliance with the Rules paragraph 7.

4. Factual Background

Complainant is a company organized under the laws of the United States, belonging to the larger group of companies known as “Ralph Lauren” that has been named after its founder Ralph Lauren and that is active in the fashion industry.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand RALPH LAUREN, including, but not limited to, the following European Union trademarks with protection also for e.g. Estonia:

- Word mark RALPH LAUREN, European Union Intellectual Property Office (“EUIPO”), registration number: 004164828, registration date: December 7, 2005, status: active;
- Word mark RALPH LAUREN, EUIPO, registration number: 004393013, registration date: May 18, 2006, status: active.

Moreover, Complainant has demonstrated to own since 1996, the domain name <ralphlauren.com>, which resolves to Complainant’s official website at “www.ralphlauren.com”, promoting Complainant’s fashion products and related services.

Respondent, according to the disclosed Whois information for the disputed domain name, is a resident of Estonia and has registered the disputed domain name on May 16, 2021. By the time of the rendering of this decision, the disputed domain name resolves to a website at “www.ralphlauren.me”, where the disputed domain name is offered for online sale. Besides, Complainant has evidenced that at some point before the filing of the Complaint, the disputed domain name resolved to a typical pay-per-click (“PPC”) website with hyperlinks to third parties websites, some of which directly relate to Complainant while others apparently compete with Complainant’s business; this website, too, included a button “Buy this domain.”.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends that its RALPH LAUREN trademark – due to significant investments to advertise and promote it worldwide in media and the Internet – has over the years become famous and distinctive throughout the world as a symbol of the high quality standards and exclusivity that Complainant maintains for its products and related services.

Complainant submits that the disputed domain name is identical with Complainant’s RALPH LAUREN trademark as it consists solely of the latter, with the Top Level Domain (“TLD”) need not be taken into account. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is not sponsored by or affiliated with Complainant in any way and has not been given any license, authorization or other permission to use Complainant’s trademark in any manner, including in domain names, (2) the pertinent Whois information identify Respondent’s name as “Jurgen Neeme” which does not resemble the disputed domain name in any manner, allowing to suggest that Respondent is not commonly known by the disputed domain name, and (3) Respondent is using the disputed domain name to redirect Internet users to a website featuring links to third-party websites, some of which directly compete with Complainant’s business, while at the same time offering the disputed domain name for online sale, which neither qualifies as a *bona fide* offering of goods or services nor as an indication of any other rights or legitimate interests by Respondent in respect of the disputed domain name. Finally,

Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Complainant has marketed and sold its goods and services using the RALPH LAUREN trademark since 1967, which is well before Respondent's registration of the disputed domain name on May 16, 2021, and (2) by using the disputed domain name, which solely consists of Complainant's RALPH LAUREN trademark, Respondent has demonstrated knowledge of and familiarity with Complainant's brand and business as well as its intention to confuse unsuspecting Internet users looking for Complainant's services, and to mislead them as to the source of the disputed domain name and Respondent's website, thereby presumably being willing to accept solicitations for the sale of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name <ralphlauren.me> is identical with the RALPH LAUREN trademark in which Complainant has rights.

The disputed domain name incorporates the RALPH LAUREN trademark in its entirety. Numerous UDRP panels have recognized that incorporating a trademark in its entirety is normally sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark (see WIPO Overview on WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, noting that the applicable TLD, here the country-code TLD ".me" for Montenegro, as such is disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1), and given that there are no other alterations or additions to Complainant's RALPH LAUREN trademark in the disputed domain name, it is reasonable to even find for identity between those two.

Therefore, Complainant has established the first element under the Policy set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name, nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent has not been authorized to use Complainant's RALPH LAUREN trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights

associated with the name “Ralph Lauren” on its own. Finally, Respondent obviously has neither used the disputed domain name for a *bona fide* offering of goods or services nor for a legitimate noncommercial or fair purpose. On the contrary, at some point before the filing of the Complaint, the disputed domain name resolved to a typical PPC website showing a variety of hyperlinks to third-party websites, some of which apparently belong to Complainant’s direct competitors in the fashion industry, for the obvious purpose of generating PPC revenues and, by the same time, offering the disputed domain name sale for sale. UDRP panels agree that using a domain name to host a PPC website does not present a *bona fide* offering where such PPC links compete with or capitalize on the reputation and goodwill of a complainant’s trademark or otherwise mislead Internet users (see [WIPO Overview 3.0](#), section 2.9).

Furthermore, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1).

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Now, the burden of production shifts to Respondent to come forward with appropriate evidence demonstrating to the contrary (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent has defaulted, it has not met that burden.

Therefore, the Panel finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

Resolving the disputed domain name, which is identical with Complainant’s RALPH LAUREN trademark, to a typical PPC website showing a variety of hyperlinks to active third-party websites, which even include companies belonging to Complainant’s direct competitors in the fashion industry, for the obvious purpose of generating PPC revenues and also selling the disputed domain name, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant’s RALPH LAUREN trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name since, according to the email correspondence between the Center and the postal courier DHL, the Written Notice on the Notification of Complaint dated May 6, 2022, could not be delivered. This fact at least throws a light on Respondent’s behavior which supports the Panel’s bad faith finding.

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 <ralphlauren.me> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: June 23, 2022