

## Decision for dispute CAC-UDRP-104941

Case number CAC-UDRP-104941

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Time of filing 2022-10-20 10:29:28

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Domain names hapag-lloyd.life

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### Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

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### Complainant

Organization Hapag-Lloyd Aktiengesellschaft

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### Complainant representative

Organization TLT

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### Respondent

Organization hapag-lloyd

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#### OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

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#### IDENTIFICATION OF RIGHTS

The Complainant owns the following registrations:

- EUTM registration 005913918 "Hapag-Lloyd", registered on 8 November 2005 for services in classes 35, 36, 39 and 42.
  - US trademark registration 3797919 "Hapag-Lloyd", registered on 13 May 2008 for services in class 39.
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#### FACTUAL BACKGROUND

Hapag-Lloyd AG and its subsidiaries are a leading global liner shipping company which operates from 300 locations in 114 different countries, worldwide.

The disputed domain name is not active.

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#### PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

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#### NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

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#### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

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#### PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

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#### PRINCIPAL REASONS FOR THE DECISION

##### 1. RIGHTS

The Disputed domain name is identical to the Complainant's registered trademarks since it reproduces the Complainant's mark HAPAG-LLOYD, merely adding the CC top-level domain identifier ".LIFE" at the end.

The Panel therefore concludes that the Complainant has fulfilled paragraph 4(a)(i) of the Policy.

##### 2. NO RIGHTS OR LEGITIMATE INTERESTS

The Respondent has not submitted any response. Therefore, it has submitted no information on possible rights or legitimate interests it might hold. On its part, the Complainant has submitted information and arguments which allow it to be reasonably assumed that the Respondent has no rights or legitimate interest in the disputed domain name.

As the WIPO Arbitration and Mediation Center pointed out in UDRP case No. D20020856:

"As mentioned [in the decision], the Respondent has not filed a Response and is therefore in default. In those circumstances when the Respondent has no obvious connection with the disputed domain name, the prima facie showing by the Complainant that the Respondent has no right or legitimate interest is sufficient to shift the burden of proof to the Respondent to demonstrate that such a right or legitimate interest exists." WIPO Case No. D20020273 <sachsenanhalt>; WIPO Case No. D20020521 <volvovehicles.com>.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

### 3. BAD FAITH

The Respondent has, as a result of his default, not invoked any circumstances which could invalidate the Complainant's allegations and evidence with regard to the Respondent's registration and use of the disputed domain name in bad faith.

The Complainant Hapag-Lloyd AG is a well-known German international shipping and container transportation company. The Registrant organization name appeared as "Hapag-Lloyd" in the Whois. However, all the rest of information was "redacted for privacy" and the Complaint denies any relationship with the Respondent. Consequently, it seems clear that the Respondent is trying to impersonate the Complainant and that the Respondent registered the disputed domain name for a fraudulent purpose. The risk of impersonation is high when the disputed domain name is identical to the Complainant's well-known trademark.

In general, UDRP panels have considered that domain names identical to a complainant's trademark carry a high risk of implied affiliation (see section 2.5.1 of the Overview of Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0")).

As mentioned in *Andrey Ternovskiy dba Chatroulette v. Alexander Ochki*, WIPO Case No. D2017-0334:

"It is clear in the Panel's view that in the mind of an Internet user, the disputed domain names could be directly associated with the Complainant's trademark, which is likely to be confusing to the public as suggesting either an operation of the Complainant or one associated with or endorsed by it (see *AT&T Corp. v. Amjad Kausar*, WIPO Case No. D2003-0327)."

According to section 3.3 of the WIPO Overview 3.0, "from the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put". In this case, all these circumstances meet.

It has, therefore, been satisfactorily demonstrated to the Panel that the disputed domain name has been registered and used in bad faith.

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy, the Panel orders that the disputed domain name be transferred to the Complainant. The transfer of the disputed domain name shall be ordered without prejudice to any rights of any third party in the disputed domain name.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **hapag-lloyd.life** : Transferred

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### PANELLISTS

Name	<b>José Ignacio San Martín</b>
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DATE OF PANEL DECISION 2022-11-30

Publish the Decision

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