Decision for dispute CAC-UDRP-107515

Case number	CAC-UDRP-107515
Time of filing	2025-05-05 10:16:39
Domain names	highsnobiety.one

Case administrator

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

Complainant

Organization	Titel Media GmbH

Complainant representative

Organization	Lubberger Lehment Rechtsanwälte Partnerschaft mbB

Respondent

Name	Joseph Lee

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.

IDENTIFICATION OF RIGHTS

The Complainant owns several trademarks HIGHSNOBIETY. This includes international trademarks, such as the international trademark HIGHSNOBIETY no. 1306247, based on the German trademark HIGHSNOBIETY no. 302016000502, registered on January 13, 2016, as well as the international trademark HIGHSNOBIETY no. 1464218, based on the German trademark no. 3020180195179, registered on August 10, 2018. This also includes several national trademarks, such as the US trademark HIGHSNOBIETY no. 5238644, registered on July 11, 2017, and the Japanese trademark HIGHSNOBIETY no. 2017-358164, registered on July 6, 2018.

The Complainant owns at least one domain name containing the wording HIGHSNOBIETY, namely <highsnobiety.com>, registered in 2005.

FACTUAL BACKGROUND

The Complainant is the owner of the global fashion and lifestyle media brand HIGHSNOBIETY and operates as a media outlet reviewing fashion and lifestyle products, as a clothing brand selling its own clothing lines and collaborating with luxury brands, and as a creative agency advising companies on marketing their fashion and lifestyle products. Since its founding in 2005, HIGHSNOBIETY has grown into an established media and lifestyle brand, well-known not only in Germany and across Europe, but also internationally, including in the United States and Japan.

The disputed domain name was registered on March 1, 2025, and directs to a parking page displaying advertisement for companies that compete with the Complainant in the area of fashion and shoes and containing links to the competitor's online shops.

PARTIES CONTENTIONS

The Complainant states that the disputed domain name is identical to its trademark HIGHSNOBIETY.

The Complainant asserts that the addition of the TLD ".one" is not sufficient to escape this finding, as it serves solely a technical function.

The Complainant also states that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant asserts that the Respondent is not known to the Complainant, was neither licensed nor otherwise authorized to use the Complainant's trademark and is not making legitimate non-commercial or fair use of the disputed domain name. The Respondent uses the disputed domain name as a parking page displaying advertisement for the Complainant's competitors, thereby generating income by exploiting the reputation of the Complainant's trademark. Because HIGHSNOBIETY is an invented word, nobody would legitimately choose this wording unless seeking to create an impression of an association with the Complainant.

The Complainant states that the disputed domain name was registered and is being used in bad faith.

The Complainant asserts that the disputed domain name is identical to the trademark HIGHSNOBIETY. The Respondent uses the disputed domain name to generate advertising revenue by misleading internet users and promoting competing products, thereby exploiting the reputation of the Complainant's trademark and depriving the Complainant of potential customers. Bad faith is further indicated by the distinctiveness and reputation of the Complainant's trademark, the Respondent's failure to submit a response or provide any evidence of actual or intended good-faith use, the concealment of the Respondent's identity by using a privacy service and neither providing an imprint on the website nor revealing its name in the Whois-Register, and the overall implausibility of any good-faith use. The Complainant reinforces that "HIGHSNOBIETY" is a neologism derived from the term "high society", has no inherent meaning, is not generic, and is, from the perspective of the relevant public, exclusively associated with the Complainant.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

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).

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).

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).

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.

PRINCIPAL REASONS FOR THE DECISION

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent. Taking the statements and documents submitted by the Complainant under careful consideration, the Panel concludes that the Complainant has established all the elements entitling it to claim the transfer of the disputed domain name.

I. Identical or Confusingly Similar disputed domain name

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name to be 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.

The disputed domain name is identical to the Complainant's trademark HIGHSNOBIETY.

The applicable Top-Level Domain (TLD) ".one" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (WIPO Case No. D2014-1919 – Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc. among others).

II. Respondent's Rights or Legitimate Interests in the disputed domain name

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

While the overall burden of proof in UDRP proceedings lies with the Complainant, the burden of proof shifts to the Respondent where the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests. If the Respondent fails to provide evidence for its rights or legitimate interests, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (WIPO Case No. D2004-0110 – Belupo d.d. v. WACHEM d.o.o.; WIPO case no. D2003-0455 – Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

The Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name is identical to the Complainant's well-known trademark and therefore carries a high risk of implied affiliation (WIPO Case No. D2000-0163 – Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.). The Respondent is not known to the Complainant and was neither licensed nor otherwise authorized to use the Complainant's trademark. As stated by the Complainant and not contested by the Respondent, the Respondent is using the disputed domain name as a parking page redirecting internet users to the Complainant's competitors and thereby generating traffic by exploiting the reputation of the Complainant's trademark. Under UDRP paragraph 4(c) of the Policy, using the disputed domain name to host a parked page with pay-per-click (PPC) links does not constitute a bona fide offering when those links compete with or exploit the reputation and goodwill of the Complainant's mark, or otherwise mislead Internet users (WIPO Case No. D2007-0267 – Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright).

The Respondent did not file a response. Thus, there is no evidence that the disputed domain name is being used for any bona fide reasons.

III. The disputed domain name has been registered and is being used in Bad Faith

The Respondent has also registered and is using the disputed domain name in bad faith within the meaning of para. 4 (a)(iii) of the Policy by intentionally attempting to attract internet users to their website by creating a likelihood of confusion with the

Complainant's trademark for commercial gain.

The Complainant’s business was founded in 2005 and had already grown into an established and internationally well-known media and lifestyle brand at the time the Respondent registered the disputed domain name on March, 1, 2025. The Respondent is not known to the Complainant and was neither licensed nor otherwise authorized to use the Complainant’s trademark. The mere registration of a domain name that is identical to a famous or widely-known trademark by an unaffiliated entity by itself creates a presumption of bad faith (WIPO Case No. D2000-0163 – Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.). Since the wording "HIGHSNOBIETY" has no inherent meaning and is, from the perspective of the relevant public, exclusively associated with the Complainant, it is also not apparent why the Respondent would use it in the disputed domain name other than to create an impression of an association with the Complainant (WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows). Therefore, the Panel concludes that the Respondent has registered the disputed domain name in bad faith within the meaning of para. 4 (a)(iii) of the Policy.

The Panel also comes to the conclusion that the disputed domain name is being used in bad faith within the meaning of para. 4 (a)(iii) of the Policy. The disputed domain name directs to a parking page displaying links to online shops of companies that compete with the Complainant. In cases where a Respondent is found to be diverting users to its website and/or websites of associated third parties, such conduct is uniformly recognized by administrative Panels as bad faith (among others WIPO Case No. D2007-0267 – Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright; WIPO Case No. D2007-1415 – Asian World of Martial Arts Inc. v. Texas International Property Associates; WIPO Case No. D2008-1708 – Legacy Health System v. Nijat Hassanov).

This finding is reinforced by the concealment of the Respondent’s identity by using a privacy service and neither providing an imprint on the website nor revealing its name in the Whois-Register (WIPO Case No. D2023-2053 – SOLVAY Société Anonyme v. Meriot Ongloo; WIPO Case No. D2007-0909 – Alarko Holding A.S. v. “,”).

The Respondent has not provided any evidence of actual or contemplated good faith registration or use of the disputed domain name that could refute this prima facie assessment.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **highsnobiety.one**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2025-06-04

Publish the Decision