Decision for dispute CAC-UDRP-107656

Case number	CAC-UDRP-107656
Time of filing	2025-06-16 09:27:53
Domain names	babelservice.com

Case administrator

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

Complainant

Organization	Babbel GmbH

Complainant representative

Organization	Lubberger Lehment Rechtsanwälte Partnerschaft mbB

Respondent

Name	Hassan El Aboubi

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 is the owner of several "BABBEL" trademarks, registered worldwide, such as:

- International Registration no. 1248282 for “BABBEL”, based on the Spanish trademark no. 3546896 (with priority February 6, 2015);
- International Registration no. 1474248 for “BABBEL”, based on the German trademark no. 30 2018 030 691 (with priority December 27, 2018);
- EU trademark 013641485 for “BABBEL”, registered April 28, 2015;
- EU trademark no. 017887213 for “Babbel”, registered September 8, 2018;
- UK trademark no. UK00913641485 for “Babbel”, registered April 28, 2015;
- UK trademark no. UK00917887213 for “Babbel“, registered September 8, 2018 (hereinafter cumulatively referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, Babbel GmbH, was founded in 2007, and is a German company that offers online language learning services and operates one of the world's most popular language learning apps. The sales revenue of Babbel Group to which the Complaint belongs exceeded 280 million euros in 2024.

The Complainant owns domain names including the Trademark, such as the domain name <babbel.com> where Complainant advertises and offers its aforementioned language-learning services in different languages and <babbelforbusiness.com> where the Complainant offers its language learning services for business clients.

The disputed domain name <babelservice.com> was registered on January 1, 2025 and, at the time of filing the Complaint, has been used in connection with an active website advertising language learning services under the name "Babel Service Center".

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name as the Trademark is well-known and that the Respondent's use of the disputed domain name is evidence of bad faith, as it has intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant's Trademark.

RESPONDENT:

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.

Furthermore, the Complainant has requested that the Language of the Proceedings shall be English, even though the Registration Agreement of the disputed domain name is German.

Having regard to the circumstances of the administrative proceeding and in accordance with Section 11 UDRP Rules, the Panel will allow the present proceeding to be conducted in English, as there is evidence showing that the Respondent can understand the

language of the Complaint since the content on the webpage under the disputed domain name is mainly in English. Furthermore, the Respondent did not address any of the Complainant's arguments and did not respond to the Complaint and therefore has not given rise to any other impression in that regard.

PRINCIPAL REASONS FOR THE DECISION

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark. Respondent's typosquatting in this regard in the form of leaving out one letter, i.e. the letter "b" whereas the Trademark contains two "b" letters (bb), is indeed not sufficient to escape the finding that the disputed domain name is confusingly similar to the Trademark.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website offering similar and/or competitive products of the Complainant while taking an unfair advantage of the confusing similarity of the disputed domain name with the Complainant’s Trademark and the Complainant's reputation.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive, well-established and very well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of a website or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith. The Respondent used the disputed domain name to direct users to a website offering products based on the impression that these products are affiliated with the Complainant and that falsely presents itself as an official platform of the Complainant.

Consequently, by using the disputed domain name in such manner, the Respondent intentionally attempted to attract, for the purposes of commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s Trademark as to the source and affiliation of its website. Such behavior constitutes use in bad faith under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **babelservice.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2025-08-04

Publish the Decision