Decision for dispute CAC-UDRP-108031

Case number	CAC-UDRP-108031
Time of filing	2025-10-09 17:22:18
Domain names	wefashion-nl.com

Case administrator

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

Complainant

Organization	Trend Fin B.V.

Complainant representative

Organization	Waalwear Brands S.A.R.L

Respondent

Name	Patterson Steven

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

Complainant states that it is “the exclusive owner of the WE Trademarks registered and used throughout the world since 1962, notably for clothing and fashion accessories.” In support thereof, Complainant has provided documentation for a number of trademarks, including Benelux Reg. No. 864969 for WE FASHION (registered September 10, 2009) for use in connection with clothing; Int’l Reg. No. 1223927 for WE FASHION (registered May 20, 2014) for use in connection with clothing; and UK Reg. No. UK00801223927 for WE FASHION (registered September 29, 2015) for use in connection with clothing. These registrations are referred to herein as the “WE FASHION Trademark.”

FACTUAL BACKGROUND

Complainant states that “[a]part from the 130 physical WE stores, customers can also purchase WE branded fashion products online. For this purpose, WE owns three international websites www.wefashion.com, as well as various local ones such as www.wefashion.nl, www.wefashion.fr, www.wefashion.de, www.wefashion.at, www.wefashion.ch, and www.wefashion.be.”

The Disputed Domain Name was created on June 2, 2025, and, according to the Complaint, is used in connection with “a fake website depicting the Complainant’s trademarks, logos, and products.” Complainant adds: “It appears undeniable that the Respondent, at the very least, attempts to illegally obtain private information of individuals, and therefore the Respondent cannot demonstrate any use of the disputed domain name in connection with a bona fide offering of goods and services or a legitimate

non-commercial or fair use of the disputed domain name." In support thereof, Complainant has provided multiple screenshots from a website associated with the Disputed Domain Name.

Complainant states that it sent a demand letter to Respondent on September 3, 2025 (a copy of which was included with the Complaint), which Complainant says "has remained unanswered."

PARTIES CONTENTIONS

Complainant contends, in relevant part, as follows:

Paragraph 4(a)(i): Complainant states that the Disputed Domain Name is confusingly similar to the WE FASHION Trademark because the Disputed Domain Name "fully incorporates the WE Trademarks" and "differs by the adjunction of the geographical term '-nl', which refers to the Netherlands – the country where the Complainant's headquarters is located. Therefore, the addition of 'NL' aggravates the misleading character of the domain name, as it falsely suggests a legitimate connection with the Complainant's official Dutch operations and its website www.wefashion.nl."

Paragraph 4(a)(ii): Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, "Complainant never assigned, granted, licensed, sold, transferred, or authorized the Respondent to register or use the WE Trademarks"; "Complainant affirms that there is no relationship between Trend Fin B.V. or its affiliated companies and the Respondent, which would entitle the Respondent to use the Complainant's trademarks"; the Disputed Domain Name "resolves to a fake website depicting the Complainant's trademarks, logos, and products"; and "Respondent does not appear to be known by all or part of the [Disputed] Domain Name, nor to have acquired any trademark rights on the sign 'WE' or 'WE FASHION'."

Paragraph 4(a)(iii): Complainant states that the Disputed Domain Name was registered and is being used in bad faith because, inter alia, "Respondent is offering unauthorized products that cannot be verified as being legitimate"; "the website linked to the [Disputed] Domain Name has already confused internet users into erroneously thinking that the Respondent is the Complainant or an affiliated company, when in fact no such relationship exists" because "Complainant has received complaints from consumers fooled by the prominent use of the WE Trademarks and the Complainant's copyrights, which led them to believe that it is the Complainant's official website"; and Respondent failed to reply to Complainant's demand letter.

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 UDRP).

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 UDRP).

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 UDRP).

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

Identical or Confusingly Similar: Paragraph 4(a)(i)

The trademark citation and documentation provided by Complainant are sufficient to establish that Complainant has rights in the

WE FASHION Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to these trademarks, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., "wefashion-nl") because "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1.

Here, the Disputed Domain Name contains the WE FASHION Trademark in its entirety (absent the space, which is an impermissible character in a domain name). As set forth in section 1.7 of WIPO Overview 3.0: "[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

As to the addition of the letters "nl" (an abbreviation for "Netherlands") and a hyphen, section 1.8 of WIPO Overview 3.0 says: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

Rights or Legitimate Interests: Paragraph 4(a)(ii)

Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, "Complainant never assigned, granted, licensed, sold, transferred, or authorized the Respondent to register or use the WE Trademarks"; "Complainant affirms that there is no relationship between Trend Fin B.V. or its affiliated companies and the Respondent, which would entitle the Respondent to use the Complainant's trademarks"; the Disputed Domain Name "resolves to a fake website depicting the Complainant's trademarks, logos, and products"; and "Respondent does not appear to be known by all or part of the [Disputed] Domain Name, nor to have acquired any trademark rights on the sign 'WE' or 'WE FASHION'."

WIPO Overview 3.0, section 2.1, states: "While 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 often impossible 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 Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the UDRP.

Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the UDRP may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the UDRP: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's 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 the registrant's website or location or of a product or service on the registrant's website or location.

Creating a website using a domain name containing Complainant's trademark to sell the same goods identified by the WE FASHION Trademark, which Complainant says are "unauthorized products that cannot be verified as being legitimate," clearly creates a likelihood of confusion – and, according to Complainant, has already resulted in actual confusion. This obviously constitutes bad faith. See, e.g., Golden Goose S.p.A. v. Ge Deng Gu Si Ge Deng Gu Si, Ge Deng Gu Si, WIPO Case No. D2017-0067 (finding bad faith based on "Respondent's unauthorized reproduction of images from the Complainant's advertising campaign and websites on the Respondent's website" to offer footwear for sale); Reebok International Limited v. Web Commerce Communications Limited, Client Care, WIPO Case No. D2022-2738 (finding bad faith where "Respondent's Website features Complainant's… Mark prominently throughout the website to sell footwear using photographs that look similar to the photographs that Complainant uses to sell footwear on its website"); and "Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Domain Administrator, See PrivacyGuardian.org / Stephan Naumann, WIPO Case No. D2020-0379 (finding bad faith where disputed domain name was used in connection with a website that "offered a variety of footwear bearing the [complainant's] trademark for online sale at discounted prices without a disclaimer").

Accordingly, the Panel finds that Complainant has proven 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. **wefashion-nl.com**: Cancelled

PANELLISTS

Name	**Douglas Isenberg**

DATE OF PANEL DECISION 2025-11-18

Publish the Decision