Decision for dispute CAC-UDRP-108333

Case number	CAC-UDRP-108333
Time of filing	2026-01-21 09:15:16
Domain names	miffy3d.com

Case administrator

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

Complainant

Organization	Mercis B.V.

Complainant representative

Organization	Coöperatie SNB-REACT U.A.

Respondent

Name	Noah Mitchell

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, inter alia, a registered owner of the following **trademarks** containing the word element "MIFFY":

(i) MIFFY (word), WIPO international trademark, registration date 10 April 1996, trademark registration no. 657655 registered for goods in the international classes 03, 06, 09, 14, 15, 16, 18, 21, 24, 25, 26, 27 and 28;

(ii) MIFFY (word) EU trademark, registration date 2 December 2015, trademark no. 013876628, registered for goods and services in the international classes 03, 05, 08, 09, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 25 and 41;

besides other trademarks consisting of the "MIFFY" denominations.

(collectively referred to as "Complainant's trademarks").

FACTUAL BACKGROUND

The **Complainant**, Mercis B.V., is the company to which Dick Bruna transferred his copyrights, including the rights to the character Miffy (originally known in Dutch as “nijntje”). The Miffy character was created in 1955, with the first book published shortly thereafter. Since then, Miffy has developed from a children’s book character into a globally recognized brand, supported by

numerous books, television programs, exhibitions, and extensive merchandising activities.

For decades, Miffy has been used worldwide as a brand for a broad range of products in the lifestyle, fashion, and design sectors. The Complainant has entered into license agreements with more than 300 companies globally for the production and sale of Miffy-branded merchandise, including major international retailers. Over the past ten years, at least 1,000 different Miffy products (SKUs) have been available on the market at any given time. Revenue generated from merchandising substantially exceeds the Complainant's publishing revenues, making licensing and merchandising its primary commercial activity.

Accordingly, the Complainant owns and manages valuable intellectual property rights in the Miffy brand, which enjoys longstanding and widespread international recognition.

The **disputed domain name** <miffy3d.com> was registered on 6 October 2025 and is held by the Respondent.

The **disputed domain name website** (i.e. website available under internet address containing the disputed domain name) displayed and offered downloadable 3D models of the character Miffy, a well-known fictional character created by Dick Bruna and owned by the Complainant.

The site featured low-polygon 3D bunny models identified as "Miffy" and visually reproduced the distinctive appearance of the Miffy character (white rabbit figure with simplified facial features and minimalistic design).

At the time of the UDRP decision, the disputed domain name website currently serves as a satirical landing page and digital protest regarding a legal dispute.

The creator expresses significant frustration with the Complainant and "Netherlands lawyers," claiming that the NL domain was seized. The site's text is heavily influenced by internet meme culture, using chaotic slang and references to "blue lambo energy" and "sippin lean" to mock the formal legal process. It specifically highlights an $800 arbitration fee that the creator was allegedly required to pay during the dispute.

The Complainant seeks the transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

A) CONFUSING SIMILARITY

The Complainant states that:

- The Complainant, Mercis B.V., has owned the Complainant's trademarks since 10 April 1996, well before the registration of the disputed domain name.
- The Complainant's trademarks have been recognized as well-known, including in CAC Case No. 106425, where the panel found the mark longstanding, widely used worldwide, and that registration of a similar domain name supported an inference of targeting.
- The disputed domain name incorporates the Complainant's trademark in its entirety, combined only with the term "3d".
- "3d" is a common abbreviation for "three dimensions" and is purely descriptive.
- Under section 1.8 of World Intellectual Property Organization Overview 3.0, the addition of descriptive or other terms does not prevent a finding of confusing similarity where the trademark remains recognizable.
- UDRP panels consistently hold that a domain name is confusingly similar where it contains the trademark or a recognizable dominant feature of it.
- Because the Complainant's trademark is fully recognizable within the disputed domain name, the addition of the descriptive term "3d" does not dispel confusing similarity.
- Accordingly, the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, satisfying paragraph 4(a)(i) of the Policy.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- The Respondent has never been authorized or licensed by the Complainant to use the Complainant's trademarks, and there is no relationship between the parties.

- The Complainant's trademark rights long predate the registration of the disputed domain name, establishing a prima facie case.

- The Respondent is not commonly known by the domain name and holds no corresponding trademark rights.
- The Respondent is not making a bona fide offering of goods or services nor a legitimate noncommercial or fair use. The disputed domain name website reproduced the Miffy character, mimicked the official website <miffy.com> and displayed "© Miffy," thereby creating a false impression of affiliation.

- The configuration of MX records further supports the absence of legitimate interests.

- Accordingly, the Respondent lacks rights or legitimate interests under paragraph 4(a)(ii) of the Policy.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- The Complainant, has owned the well-known Miffy trademark since 10 April 1996, long before the disputed domain name was registered. It is implausible that the Respondent was unaware of the Complainant's rights.
- Registration of a domain name incorporating a well-known trademark by an unaffiliated party supports a finding of bad faith.
- The disputed domain name website reproduced the Miffy character and copied the look and feel of the official website <miffy.com>, creating a false impression of affiliation or endorsement.
- MX records have been configured, indicating a potential risk of misleading or fraudulent email use.
- The Respondent has used a privacy service to conceal its identity, which, in combination with the above factors, reinforces the inference of bad faith.
- Taken together, these circumstances demonstrate that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

RESPONDENT:

The Respondent has not provided any response to the Complaint.

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

A) RIGHTS

The first UDRP element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name(s).

This test typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the trademark is recognizable within the disputed domain name.

In cases where a disputed domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in such domain name, the disputed domain name will normally be considered confusingly similar to that trademark for purposes of UDRP standing.

In such case, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Applying the principles described above, The Panel finds that the disputed domain name is confusingly similar to Complainant's Trademarks.

The domain incorporates Complainant's Trademarks in their entirety, with only minor addition, such as the suffix "3D". The addition of a descriptive term, here 3D, which stands for "three dimensional", does not prevent a finding of confusing similarity.

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the ".COM") must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

Consequently, the disputed domain name is 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).

B) NO RIGHTS OR LEGITIMATE INTERESTS

According to established UDRP precedent, once the Complainant makes a prima facie case that the Respondent lacks such rights or legitimate interests, the burden shifts to the Respondent to show otherwise.

In this case, the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not identified in the WHOIS record by the disputed domain name and there is no evidence that the Respondent is commonly known by it. The Complainant has further stated that it has no relationship with the Respondent and has not licensed, authorized, or otherwise permitted the Respondent to use Complainant's trademarks or to register any domain name incorporating it.

The disputed domain name reproduced images of the Miffy character and imitated the layout and "look and feel" of the Complainant's official website <miffy.com>, creating a false impression of affiliation or endorsement. The use of a privacy protection service and the configuration of MX records further support the absence of bona fide or legitimate interests.

While some panels recognize "protest" or "parody" as a legitimate non-commercial use, this defense generally does not apply if the disputed domain name itself is identical or confusingly similar to the trademark and was initially used to impersonate the Complainant. By copying the "look and feel" of the official Miffy site, the Respondent initially created a likelihood of confusion. A user seeking the official Miffy brand would be effectively "trapped" or misled into visiting the site. Panels consistently hold that a domain used to foster consumer confusion cannot later be shielded by a claim of "free speech" or "criticism".

Therefore, such use cannot be considered a bona fide offering of goods or services or a legitimate non-commercial or fair use under paragraph 4(c) of the Policy.

The Respondent has not come forward with any evidence to rebut the Complainant's prima facie case or to demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

The Complainant's trademarks have been registered and widely used for many years prior to the registration of the disputed domain name.

The Panel notes that the term "MIFFY" is distinctive and closely associated with the Complainant, as shown by search engine results primarily referring to the Complainant and its business. In these circumstances, it is not likely that the Respondent registered the disputed domain name without knowledge of the Complainant's trademark and reputation.

The disputed domain name, at least for some time, resolved to an imitation website (see above). Such use demonstrates an intent to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. This constitutes evidence of bad faith

registration and use within the meaning of paragraph 4(b)(iv) of the Policy.

The current use of the disputed domain name for a purpose of a “parody” or “protest” website cannot rebut the bad faith element. The original mimicry proves an intent to misleadingly divert.

The current "Boondocks" and "lean" satire, while seemingly non-commercial, still benefits from the traffic generated by a domain name that is a "typosquat" or direct match of the Complainant's brand. Because the domain "carries the risk of implied affiliation," the Respondent is still unfairly free-riding on the Complainant’s reputation.

Additionally, the Respondent uses a privacy protection service and has configured MX records for the disputed domain name. While privacy services may be used legitimately, in combination with the other factors listed above, these circumstances support an inference that the domain was registered and is being used in bad faith.

Thus, the Panel has taken a view that 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **miffy3d.com**: Transferred

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2026-02-17

Publish the Decision