Decision for dispute CAC-UDRP-108425

Case number	**CAC-UDRP-108425**
Time of filing	**2026-02-20 09:54:25**
Domain names	**babbel.live**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Babbel GmbH**

Complainant representative

Organization	**Lubberger Lehment Rechtsanwälte Partnerschaft mbB**

Respondent

Name	**Zhong Lei**

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 has provided evidence of its ownership of registered trademark rights in the trademark BABBEL registered in numerous jurisdictions:

- German Registration No. 307705668 for “babbel & device” registered on March 13, 2008 in classes 9, 16 and 41;
- International Registration No. 1248282 for “BABBEL” registered on March 12, 2015 in classes 9, 16 and 41;
- International Registration No. 1239167 for “+Babbel“ registered on February 5, 2015 in classes 9, 16 and 41;
- EU Registration No. 013641485 for “BABBEL” registered on April 28, 2015 in classes 9, 16 and 41;
- EU Registration No. 017887213 for “Babbel” registered on September 8, 2018 in classes 41 and 42;
- EU Registration No. 013646179 for “+Babbel“ registered on June 5, 2015 in classes 9, 16 and 41.

The trademarks are still valid at present and their registration dates predate the registration date of the disputed domain name, <babbel.live>, registered on April 6, 2025.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant offers online language learning services and operates one of the world's most popular language learning apps. It was founded in 2007 and has rapidly grown since then. Today it is one of the highest-selling language learning platforms globally and employs roughly 490 people worldwide. It is well-known not only in Europe and Germany, where it has its seat, but also in other parts of the world. It is one of the first language learning platforms to introduce a language learning app. Today, the Babbel e-learning platform offers various resources for language tuition. The curriculum includes over 10,000 lessons in 14 languages.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is Zhong Lei, based at the address of pingtangroad415lane35no201, Shanghai, Postal Code 332005, China. The disputed domain name was registered on April 6, 2025 by the Respondent, as confirmed by the Registrar. The disputed domain name resolves to a parking page. On this page, the disputed domain is offered for sale.

PARTIES CONTENTIONS

A. COMPLAINANT

Language of the Proceedings

The Complaint is written in English. According to the registrar's verification response, the language of the registration agreement for the disputed domain name is Chinese. The Complainant submitted a request for English to be the language of this administrative proceeding.

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

The Complainant contends that it is the owner of the registered trademark BABBEL in numerous jurisdictions as mentioned above in the IDENTIFICATION OF RIGHTS.

The disputed domain name contains the Complainant's trademark BABBEL in its entirety. As to the generic Top Level Domain ".live", it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity.

II. Respondent has no rights or legitimate interests in the domain name

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name on the grounds: i) the registration dates of its trademarks predate the registration date of the disputed domain name; ii) the Respondent has not acquired a trademark for the BABBEL; iii) the Respondent is not commonly known by the disputed domain name; iv) the Complainant has no relationship with the Respondent and has not authorized it to use the trademark; v) the Respondent has not used the disputed domain name for a bona fide offering of goods or services.

III. The Respondent registered and is using the disputed domain name in bad

The Complainant submits that the Respondent registered and is using the disputed domain name in bad faith on the grounds: i) The Respondent uses the disputed domain name for a parking page. On this page, the disputed domain name is offered for sale and commercial advertisements for language courses are being displayed. The Respondent derives commercial gain from advertising revenue through an advertising arrangement that trades on the Complainant's trademark; ii) the term BABBEL is not a generic term and has no dictionary meaning. As an invented word, BABBEL is not a word business owners would legitimately choose unless seeking to create an impression of an association with the Complainant; iii) BABBEL is exclusively associated with the Complainant due to the wide-spread use and recognition of the trademark, which is supported by the results of a Google search for the term BABBEL. There is no possibility that the Respondent could have been unaware of the Complainant when it registered the disputed domain name.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

B. 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 language of the registration agreement is Chinese. The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to the issue of the language of the proceedings and did not reject the Complainant's request. The Panel is given discretion under Paragraph 11 of the Rules to determine the appropriate language of the administrative proceeding. Paragraph 10 of the Rules mentions that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

Based on the following factors, the Panel has decided that it would be fair and equitable to both parties to have the language of the proceedings be English:

- The Complaint was written in English, an international language comprehensible to a wide range of internet users worldwide, including those living in Europe and in China;
- While determining the language of the administrative proceeding, the Panel has a duty to consider who would suffer the greatest inconvenience as a result of the Panel's determination. On the one hand, the determination of English as the language of this administrative proceeding – a widely spoken language – is unlikely to cause the Respondent any inconvenience. The determination of Chinese as the language of this administrative proceeding, on the other hand, is very likely to cause the Complainant inconvenience, and to interfere with the overall due expedition of the proceedings under the Rules. See case CAC-UDRP106643, Burberry Limited v Fei Cheng;
- The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to reject the Complainant's request.

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the domain name; the complainant shall prove the following three elements:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

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

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

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response of any argument against what the Complainant claimed and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot help but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except where there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a complainant must prove that the domain name is identical with or confusingly similar to a trademark or service mark in which the complainant has rights.

A. Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of valid trademark registrations for the trademark BABBEL, registered in 2008, 2015 and 2018 in numerous jurisdictions and classes as mentioned above in the IDENTIFICATION OF RIGHTS. The trademarks are still valid and their registration dates significantly predate the registration date of the disputed domain name, i.e. April 6, 2025. The Complainant therefore has rights in the trademark BABBEL.

B. The disputed domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's trademark BABBEL in its entirety. WIPO Overview 3.0, paragraph 1.7 mentions: “In 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”.

The Complainant’s trademarks “babble & device” and“+Babbel“ contain designs, which are not the dominant portion of the trademarks. Design elements are incapable of representation in domain names and largely disregarded for purposes of assessing identity or confusing similarity. See WIPO Overview 3.0, paragraph 1.10.

As to the generic Top Level Domain “.live”, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity. See WIPO Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a) (i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the grounds: i) its trademark registrations predate the registration date of the disputed domain name; ii) the Respondent has not acquired a trademark for BABBEL; iii) the Respondent is not commonly known by the disputed domain name; iv) the Complainant has no relationship with the Respondent and has not authorized it to use BABBEL; v) the Respondent has not used the disputed domain name for a bona fide offering of goods or services.

Once the 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 disputed domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent’s rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Paragraph 4(a) (iii) of the Policy provides that the domain name has been registered and is being used in bad faith.

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant’s trademark at the time of registration of the disputed domain name, considering the following circumstances:

WIPO Overview 3.0, paragraph 3.2.2 mentions: “Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark”. The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the wording BABBEL and knew it was the trademark of the Complainant;

The Complainant contends that the trademark BABBEL is distinctive. It is not a generic term and has no dictionary meaning. As an invented word, it is not a word business owners would legitimately choose unless seeking to create an impression of an association with the Complainant. BABBEL is exclusively associated with the Complainant due to the wide-spread use and recognition of the trademark. Its evidence of google search for BABBEL refers to the Complainant and its trademark. There is no possibility that the Respondent could have been unaware of the Complainant and its trademark when it registered the disputed domain name. The Panel supports its contention;

The disputed domain resolves to a parking page with commercial advertisements for language courses, which reflects its intention to create an association with the Complainant and likelihood of confusion with the Complainant and its trademarks. This suggests that the Respondent had knowledge of the Complainant’s trademark.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant’s trademark at the time

of registration of the disputed domain name. As the disputed domain name would cause confusion to internet users, it should have been avoided the registration, which is considered as good faith, rather than registering the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

Furthermore, the disputed domain name resolves to a parking page. On this page, the disputed domain name is offered for sale. Under Paragraph 4(b) of the Policy, Circumstance (i), the sale of the disputed domain name shall be the registration of the disputed domain name in bad faith. See comment below.

B. The disputed domain name is being used in bad faith

Paragraph 4(b) of the Policy lists four alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent. Circumstance (i) indicates that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name.

The evidence provided by the Complainant shows that the disputed domain name is offered for sale. The Respondent's offer for sale of the disputed domain name convinces the Panel that the disputed domain name is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b)(i).

Regarding the Complainant's contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel's findings on its bad faith.

In view of all above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **babbel.live**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2026-04-01

Publish the Decision