Decision for dispute CAC-UDRP-108630

Case number	CAC-UDRP-108630
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Domain names	alverdede.com, balea-de.com, babylove-de.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	dm-drogerie markt GmbH + Co. KG

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	yudongdong dongdong

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain names.

IDENTIFICATION OF RIGHTS

Trademark “ALVERDE”, registered in Germany on March 21, 2007 under the number 30677947.

Trademark “BALEA”, registered in Germany on March 9, 2011 under the number 302011005007.

Trademark “BABYLOVE”, registered in Germany on November 22, 2019 under the number 302019113481.

FACTUAL BACKGROUND

The Complainant is dm-drogerie markt GmbH + Co. KG, a German chain of retail stores founded in 1973 and offering cosmetics, healthcare items, household products and health food and drinks. The Complainant is the largest retailer in the cosmetics and healthcare items in Germany, but operates in 12 European countries in total, with an alleged significant market exposure in Austria, Hungary and Czechia. The Complainant possesses a number of trademarks under which it commercializes specific product lines. These include “BABYLOVE” (diapers), “ALVERDE” (cosmetics) and “BALEA” (cosmetics).

The disputed domain names, all registered on July 17, 2025, each redirect the Internet user to a website impersonating a Complainant webstore matching the trademark reproduced in each particular domain name.

PARTIES CONTENTIONS

COMPLAINANT:

The websites associated to the disputed domain names cause consumer confusion as to the affiliation of the websites with the Complainant, leading to the conclusion that the disputed domain names are being used for infringing and fraudulent purposes.

According to WHOIS data communicated by the registrar, the Respondent is yudongdong dongdong. Nothing further is known to the Complainant about the activities of the Respondent.

The disputed domain names are confusingly similar to Complainant’s trademarks. The Complainant submits that the disputed domain names are confusingly similar to trademarks in which the Complainant has rights. The following demonstrates this in turn regarding each of the disputed domain names:

1. <alverdede.com> - This disputed domain name is confusingly similar to the Complainant's trademark “ALVERDE” (wordmark), registered in Germany on March 21, 2007 under the number 30677947 for goods and services in Nice classes 3, 5, 16, 18, 21, 24, 25. This disputed domain fully reproduces the “ALVERDE” mark and adds the letters "de". Given that the landing site of the website is in German, it seems safe to assume that "de" is a reference to Germany as geographical area.

2. <balea-de.com> - This disputed domain name is confusingly similar to the Complainant's trademark “BALEA” (wordmark), registered in Germany on March 9, 2011 under the number 302011005007 for goods and services in Nice classes 18, 3, 5, 8, 21, 24, 25, 26, 32. This disputed domain fully reproduces the “BALEA” mark and adds the letters "de". Given that the landing site of the website is in German, it seems safe to assume that "de" is a reference to Germany as geographical area.

3. <babylove-de.com> - This disputed domain name is confusingly similar to the Complainant's trademark “BABYLOVE” (figurative mark), registered in Germany on November 22, 2019 under the number 302019113481 for goods and services in Nice classes 3, 5, 8, 9, 10, 11, 12, 16, 18, 20, 21, 24, 25, 26, 28, 29, 30, 32. The Complainant notes that prior panels deciding under the Policy have consistently held the comparison between a disputed domain name and a complainant's registered trademarks to be limited to those elements of the registered mark that can be represented in a domain name (i.e. the alpha-numeric elements). The only element of the Complainant's “BABYLOVE” trademark that can be represented in a domain name is the word "babylove", which this disputed domain reproduces in its entirety, save for the letters "de". Given that the landing site of the website is in German, it seems safe to assume that "de" is a reference to Germany as geographical area.

Lastly, the Complainant points out that the .com ending must be disregarded when assessing confusing similarity.

Respondent has no rights or legitimate interests in respect of the disputed domain names

First, the Complainant is not aware of any element of evidence under which the Respondent being commonly known by the disputed domain names. The name of the Respondent is yudongdong dongdong, which bears no resemblance to the disputed domain names, and the possibility of the Respondent being known by the disputed domain names is rendered even more unlikely by the fact that the Respondent utilises a WHOIS protection service.

Second, the use made of the disputed domain names is manifestly illegitimate. As mentioned, the disputed domain names are all used to redirect Internet users to websites (on the domain loitershop.com) impersonating the Complainant's brands in that they are likely to cause consumer confusion due to the prominent use of the trademarks and, on the majority of the websites, their associated logos. This constitutes diversion of consumers through clearly infringing activity, which can never give rise to legitimate rights or interests for the Respondent, see WIPO Overview 3.0 at 2.13.1. Please see our discussion below regarding the third policy element for details regarding the bad faith nature of the websites displayed.

The disputed domain names are registered and used in bad faith

First, the disputed domain names were all registered on July 17, 2025, at a time when the Complainant's trademark rights to the trademarks being referenced in the domain names were already clearly established (as mentioned above in our discussion regarding the second policy element, the latest of the trademarks being referenced having been registered in November 2019, almost 6 years before the registration of the disputed domain names). The fact that, as mentioned, the disputed domain names are used to display Germany-targeting websites that furthermore impersonate the Complainant's brands suggests that the Respondent was keenly aware of the Complainant's rights when registering the disputed domains.

Second, the disputed domain names have not been used for any other purpose than to display websites impersonating the Complainant's brands. That the websites are engaged in impersonation is made evident by the fact that the Complainant's brand-specific logos are clearly displayed in the upper left-hand corner of the websites, sometimes combined with the Complainant's corporate logo (stylized "dm" in blue underlined in red and yellow). Given that the prominent use of the Complainant's logos and the absence of any other source identifier the websites displayed are clearly likely to confuse visitors as to origin. This is a clearly infringing use of the disputed domain names that cannot give rise to rights or interests for the Respondent and is manifestly evidence of bad faith registration and use.

Third, the Complainant submits that the fact that the Respondent has registered the disputed domain names all targeting the Complainant's trademarks demonstrates a pattern of conduct of preventing the Complainant from reflecting their marks in domain

names. Prior panels deciding under the Policy have found such a pattern of conduct to exist where more than one, but as few as two instances domain name registration targeting the same, or a different, trademark owner. The Respondent's conduct in registering the disputed domains is in excess of this standard.

Accordingly, the Complainant considers it beyond any reasonable doubt that the Respondent has both registered and used the disputed domain names in bad faith.

RESPONDENT

No administratively compliant Response was filed.

RIGHTS

To the satisfaction of the Panel, the Complainant has shown that the disputed domain names, as described below, are identical or confusingly similar to the trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has shown the Respondent to have no rights or legitimate interests in respect of the disputed domain names, as described below (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

To the satisfaction of the Panel, the Complainant has shown the disputed domain names, as described below, have been registered and are 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 the UDRP have been met, and there is no other reason why it would be unsuitable to provide the Decision.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar

On the evidence before the Panel, the Complainant has established registered trademark rights in the trademarks “ALVERDE”, “BALEA”, and “BABYLOVE”. In particular, the Complainant relies on German trademark registration No. 30677947 for “ALVERDE”, registered on March 21, 2007; German trademark registration No. 302011005007 for “BALEA”, registered on March 9, 2011; and German trademark registration No. 302019113481 for “BABYLOVE”, registered on November 22, 2019. These registrations predate the registration of the disputed domain names, all of which as per the record on file were registered on July 17, 2025.

The Panel notes that, for purposes of the first element under the Policy, ownership of a registered trademark is generally sufficient to establish rights in a mark. See WIPO Overview 3.1, section 1.2. The Panel further notes that the test for confusing similarity under the first element is a standing requirement, involving a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name. See WIPO Overview 3.1, section 1.7.

The disputed domain name <alverdede.com> incorporates the Complainant’s “ALVERDE” trademark in its entirety, followed by the letters “de”. The disputed domain name <balea-de.com> incorporates the Complainant’s “BALEA” trademark in its entirety, followed by a hyphen and the letters “de”. The disputed domain name <babylove-de.com> incorporates the word element “BABYLOVE” of the Complainant’s trademark in its entirety, followed by a hyphen and the letters “de”. In relation to the Complainant’s “BABYLOVE” figurative trademark, the Panel notes that where a trademark includes design elements, the assessment under the first element is generally made by reference to the textual elements that are capable of representation in a domain name. See WIPO Overview 3.1, section 1.10.

The addition of the letters “de”, whether or not understood as a geographical reference to Germany, does not prevent a finding of confusing similarity, as the Complainant’s marks remain clearly recognizable within the disputed domain names. See WIPO Overview 3.1, section 1.8. Likewise, the presence of a hyphen in <balea-de.com> and <babylove-de.com> does not avoid confusing similarity.

The Respondent did not file an administratively compliant Response and has provided no information or explanation to the contrary. While the Respondent's default does not by itself establish the Complainant's case, the Panel is entitled to assess the unrebutted evidence before it and draw appropriate inferences where warranted. On the balance of probabilities, and based on the evidence at hand, the Panel finds that each of the disputed domain names reproduces a trademark in which the Complainant has rights, with only minor additional elements that do not prevent the Complainant's marks from being recognizable.

Accordingly, the Panel finds that the disputed domain names <alverdede.com>, <balea-de.com>, and <babylove-de.com> are confusingly similar to trademarks in which the Complainant has rights. The Complainant has therefore satisfied the first element under paragraph 4(a)(i) of the Policy.

2. Rights or Legitimate Interests

The Panel finds that the Complainant has made out such a prima facie case, see WIPO Overview 3.1, section 2.1, which is persuasive to the Panel. The Complainant has stated that the Respondent is not affiliated with the Complainant, has not been authorized, licensed, or otherwise permitted to use the Complainant's "ALVERDE", "BALEA", or "BABYLOVE" trademarks, and has not been authorized to register any domain name incorporating those marks. Nothing in the record indicates that the Respondent has any trademark rights corresponding to the disputed domain names, or that the Respondent has been commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

The Panel notes in this regard that, according to the Registrar-confirmed WhoIs information, the Respondent is identified as "yudongdong dongdong". This name bears no apparent resemblance to the disputed domain names, each of which reproduces one of the Complainant's marks. In the absence of any information or explanation to the contrary by the Respondent, the Panel finds no basis in the record to conclude that the Respondent has been commonly known by any of the disputed domain names. See WIPO Overview 3.1, section 2.3.

The Panel further considers that the nature of the disputed domain names carries a risk of implied affiliation with the Complainant. Each of the disputed domain names incorporates one of the Complainant's trademarks in its entirety, followed only by the letters "de", in two cases separated by a hyphen. On the evidence before the Panel, the websites to which the disputed domain names redirect are in German and appear to impersonate webstores corresponding to the Complainant's relevant brands. Such composition and use do not support a claim to fair use, particularly where the domain names and associated websites are likely to suggest sponsorship, affiliation, or endorsement by the Complainant. See WIPO Overview 3.1, section 2.5. This will further analyzed in the subsequent element.

Nor is there evidence that the Respondent is making a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, or a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. Rather, the undisputed evidence indicates that the disputed domain names, all registered on July 17, 2025, are being used to redirect Internet users to websites displaying the Complainant's trademarks and, in certain instances, associated logos, in a manner that impersonates the Complainant's branded webstores. Panels have consistently held that the use of a domain name for impersonation, passing off, phishing, fraud, or other illegal activity can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.

The Respondent has not filed an administratively compliant Response and has not attempted to rebut the Complainant's prima facie showing. There is therefore no evidence before the Panel that would bring the Respondent's conduct within any of the circumstances set out in paragraph 4(c) of the Policy, or otherwise support a finding of rights or legitimate interests.

Accordingly, on the balance of probabilities, and based on the evidence at hand, without any information or explanation to the contrary by the Respondent, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Complainant has therefore satisfied the second element under paragraph 4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith

The Panel notes that the disputed domain names were all registered on July 17, 2025. By that date, the Complainant's trademark rights had long been established. In addition, the composition of the disputed domain names supports a finding that the Respondent had the Complainant and its trademarks in mind when registering them. Each disputed domain name reproduces one of the Complainant's marks in its entirety, adding only the letters "de", in two cases separated by a hyphen. On the evidence before the Panel, the websites associated with the disputed domain names are in German and impersonate webstores corresponding to the Complainant's respective brands. The Panel considers that the addition of "de", in this context, is more likely than not to be understood as a reference to Germany, where the Complainant is based and where its trademark rights are registered. This reinforces, rather than diminishes, the inference that the Respondent was targeting the Complainant.

The Panel further notes that the disputed domain names have been used to redirect Internet users to websites, apparently located at the domain name <loitershop.com>, which display the Complainant's brand-specific trademarks and, in certain instances, the Complainant's associated logos, including the Complainant's corporate "dm" logo. The unrebutted evidence indicates that these websites are designed to give the false impression that they are operated, authorized, or endorsed by the Complainant. Such use constitutes a deliberate attempt to create a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the websites and any products or services offered thereon.

Panels have consistently held that the use of a domain name for impersonation, passing off, phishing, fraud, or other illegal activity constitutes evidence of bad faith. See WIPO Overview 3.1, section 3.4. The Panel also finds that the Respondent's use of the disputed domain names falls within the type of conduct contemplated by paragraph 4(b)(iv) of the Policy, namely the intentional attempt to attract Internet users, for commercial gain, by creating a likelihood of confusion with the Complainant's marks. See WIPO Overview 3.1, section 3.1.

The Panel also considers that the Respondent's registration of the disputed domain names on the same date, each targeting a different trademark of the same Complainant, supports a finding of a pattern of abusive conduct. In this regard, panels have held that a pattern of conduct may be established by more than one, and as few as two, abusive domain name registrations, including where such registrations target the same trademark owner. See WIPO Overview 3.1, section 3.1. Here, the Respondent registered the domain names targeting three of the Complainant's product-line trademarks, namely "ALVERDE", "BALEA", and "BABYLOVE". This conduct further supports the inference that the Respondent acted in bad faith.

The Respondent has not filed an administratively compliant Response and has provided no explanation for its registration and use of the disputed domain names. While the Respondent's default does not automatically result in a finding for the Complainant, the Panel is entitled to draw appropriate inferences from the Respondent's failure to rebut the Complainant's evidence. In the present case, there is no evidence before the Panel suggesting any good-faith reason for the Respondent's registration of domain names incorporating the Complainant's trademarks, nor for the Respondent's use of those domain names in connection with websites impersonating the Complainant's branded webstores.

Accordingly, on the balance of probabilities, based on the evidence at hand, and without any information or explanation to the contrary by the Respondent, the Panel finds that the Respondent registered and is using the disputed domain names in bad faith.

The Complainant has therefore satisfied the third element under paragraph 4(a)(iii) of the Policy.

4. Decision

For the preceding reasons and in concurrence with the provisions specified under Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain names, as per below, to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **alverdede.com**: Transferred
2. **balea-de.com**: Transferred
3. **babylove-de.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2026-06-17

Publish the Decision