Decision for dispute CAC-UDRP-109059

Case number	CAC-UDRP-109059
Time of filing	2026-10-14 08:58:27
Domain names	midyoude.com, bessagide.com

Case administrator

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

Complainant

Organization	XXXLutz Marken GmbH

Complainant representative

Organization	pm.legal

Respondents

Name	zhiling he
Name	li li

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 names.

IDENTIFICATION OF RIGHTS

The Complainant has based this complaint on the following registrations owned by the same XXXLutz Marken GmbH:

- EUTM no. 13454525 "BESSAGI" filed on November 13, 2014, registered on April 22, 2015, and duly renewed for products and services included in classes 8, 11, 18, 20, 21, 24, 27, 28 and 35;
- EUTM no. 18246658 "MID.YOU" filed on May 29, 2020, and registered on September 12, 2020, for products and services included in classes 6, 7, 8, 11, 14, 16, 18, 19, 20, 21, 24, 25, 26, 27, 28 and 35.

FACTUAL BACKGROUND

The Complainant, headquartered in Wels, Austria, is part of the XXXLutz Group, an Austrian chain of furniture stores founded in 1945. The XXXLutz Group is one of the world's largest furniture retailers in terms of net sales, currently generating more than €6.4 billion in sales. It operates over 400 furniture stores across Austria, Germany, the Czech Republic, Switzerland, Romania, Croatia, Sweden, Slovenia, Slovakia, Bulgaria, Hungary, Poland and Serbia, and employs more than 27,600 employees.

The Complainant produces and distributes furniture under its own proprietary brands such as “BESSAGI” and “MID.YOU”. The goods bearing the trademarks "BESSAGI" and "MID.YOU" are distributed primarily through the Complainant's subsidiary, mömax Deutschland GmbH.

Despite the fact that the registrar verification has revealed two different registrants for the two domain names in dispute, according to the Complainant, the available evidence indicates that (i) the disputed domain names are subject to common control by a single person or entity acting through multiple aliases, and (ii) the determination of the dispute in a single consolidated proceeding would be procedurally efficient and fair and equitable to the parties.

In particular, according to the Complainant, the disputed domain names share the following similarities:

- Both disputed domain names are registered with the same Registrar;
- Both disputed domain names were registered on July 30, 2024;
- Both disputed domain names follow the exact same naming convention, combining the respective trademark with "de" (the ISO 3166-1 country code for Germany) under the ".com" gTLD;
- Both disputed domain names are registered using e-mail addresses hosted by the same free e-mail provider (outlook.com) and follow a similar, anonymized naming pattern;
- Both Respondents list Hubei Province, China, as their location;
- Both addresses exhibit the exact same artificial formatting structure, combining the street name and house number within the "Address Line 1" field (specifically, pinganlu90 and minghanglu34);
- Both registrations were modified on July 25, 2026, merely four minutes apart (at 03:06 and 03:10 UTC), strongly suggesting a batch update originating from the same registrar account;
- Both disputed domain names utilize nameservers provided by Cloudflare;
- Both disputed domain names resolve to websites featuring numerous affiliate links pointing to the Amazon PartnerNet;
- Both websites utilize structurally identical titles, combining the respective trademark with "Offizielle Website | Möbel Für" (noting that the capitalization of "Für" is grammatically incorrect in German);
- Both privacy policies contain individual Chinese characters ("" and "," respectively), indicating that they were generated through the same automated text-generation or translation process.

Accordingly, it is the Complainant's view that the Panel could consolidate the claims relating to the disputed domain names in a single administrative proceeding.

In addition, the Complainant infers that the domain names in dispute are confusingly similar to the Complainant trademarks ("BESSAGI" and "MID.YOU") since they entirely include a Complainant's trademark combined with a geographical indication ("de" for Germany).

Furthermore, the Complainant informs that the domain names in dispute are not connected with nor authorized by the Complainant. In particular, the Complainant has never authorized or permitted the Respondents to use its marks "BESSAGI" and/or "MID.YOU" in their domain names. The Complainant also notes that the Respondents are not commonly known by any of the domain names in dispute.

The Complainant also notes that, as evidenced by the screenshots provided at annexes, the disputed domain names are both used in connection with active websites. The websites are in German and contain a large number of posts and photos on the topic of furniture, linking in numerous places to Amazon products. These links are affiliate links from the Amazon Associate Program (Amazon PartnerNet), enabling the Respondents to receive commissions for referring Internet users. The Respondents explicitly refer to the XXXLutz Group or to the Complainant's subsidiary, mömax Deutschland GmbH. on their websites. The Complainant notes that said impersonation of the Complainant cannot constitute a bona fide offering of goods or services under the Policy and is incompatible with any legitimate interest in the disputed domain names.

The Complainant also assumes that the domain names in dispute were registered in bad faith. Actually, in the Complainant's view, it is inconceivable that the Respondents registered the disputed domain names unaware of the Complainant or of its rights in its trademarks "BESSAGI" and "MID.YOU".

In addition, according to the Complainant, the Respondents bad faith use is evidenced by the fact that they have registered domain names fully containing the Complainant trademarks and use these domain names in connection with websites that allow the Respondents to earn commissions when an Internet user clicks on a link. The Complainant insists that the Respondents purpose is, by creating a likelihood of confusion with the trademarks BESSAGI and MID.YOU, to divert traffic intended for the Complainant’s website to their own websites.

Finally, the Complainant notes that the Respondents registered domain names incorporating trademarks that are unmistakably connected with the Complainant and its products. This, in the Complainant's view, also supports a finding of bad faith, as the very use of such domain names by entities with no connection to those products demonstrates opportunistic bad faith.

PARTIES CONTENTIONS

Complainant´s contentions are summarised above.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Consolidation of Respondents.

According to Article 3(c) of Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), the Complaint may relate to more than one domain name, provided that the disputed domain names are registered by the same domain-name holder.

According to Article 10(e) of Rules a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.

The Complainant requests to consolidate its claims against the registrants of the disputed domain names notwithstanding that the registrant details are different, on the grounds that the disputed domain names are subject to common control and that it is equitable and procedurally efficient to consolidate the proceedings.

Firstly, the Panel notes that the Complainant’s arguments in support of this request are comprehensive and appropriate.

In particular, the Panel has carefully considered that:

1 – both disputed domain names were registered with DYNADOT as the Registrar;

2 – both domain names were registered on July 30, 2024;

3 – both domain names reproduce a Complainant trademark ("BESSAGI" or "MID.YOU") together with the geographical indication "de" for Germany, which clearly refers to the same geographical area of interest.

4 – the screenshots attached by the Complainant under point 4 and 5 show that the domain names are linked to websites that serve the same fraudulent purpose, namely to generate revenue through links to Amazon products by exploiting the reputation of the Complainant’s trademarks via a mechanism of impersonation of the Complainant itself, as evidenced by the fact that the aforementioned websites expressly refer to the Complainant or to its subsidiary.

In the light of the above, and notwithstanding the clear existence of two different registrants (Respondents), the Panel considers that the disputed domain names are under the same common control.

In previous cases similar to the one at hand the Panel has decided to order the consolidation (see, for example, CAC Case No. 107587) and the Panel therefore agrees to the Complainant’s request, even considering that, due to the circumstances of the present case, it is equitable and procedurally efficient to consolidate the proceedings.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy provides that to obtain the transfer of the domain name; the complainant must prove that each of the following elements is present:

(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.

1a) The disputed domain name <midyoude.com> fully includes the Complainant's trademark "MID.YOU" as it reproduces the mark in its entirety and is clearly recognizable within the domain name. The omission of the dot between “MID” and “YOU” does not diminish the recognizability of the mark. On the contrary, the element “MIDYOU” remains visually and phonetically identical to the Complainant’s mark and will be perceived by Internet users as a direct reference to the Complainant (see E.ON SE v. Denis Bolovan, CAC Case No. 107991). Also, it is added to the wording "MIDYOU" the term "DE". In this respect the Panel notes that many previous panels under the Policy have found that a geographic identifier in a domain name (as in the disputed domain name <midyoude.com>) does not alter the finding of similarity between the domain name in dispute and the previously registered trademark (Six Continents Hotels, Inc. v. Sdf fdgg, WIPO Case No. D2004-0384 and Credit Agricole SA v. Frederik Hermansen, CAC Case No. 101249). Finally, the generic Top-Level Domain “.com” is obviously a mere standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to a trademark in which the Complainant has rights (see, among others, Credit Mutuel Arkea vs. Domain Administration - CAC Case No. 102345).

1b) The disputed domain name <bessagide.com> fully includes the Complainant's trademark "BESSAGI" as it reproduces the mark in its entirety and is clearly recognizable within the domain name. Also, it is added to the wording "BESSAGI" the term "DE". In this respect the Panel notes that many previous panels under the Policy have found that a geographic identifier in a domain name (as in the disputed domain name <bessagide.com>) does not alter the finding of similarity between the domain name in dispute and the previously registered trademark (Six Continents Hotels, Inc. v. Sdf fdgg, WIPO Case No. D2004-0384 and Credit Agricole SA v. Frederik Hermansen, CAC Case No. 101249). Finally, the generic Top-Level Domain “.com” is obviously a mere standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to a trademark in which the Complainant has rights (see, among others, Credit Mutuel Arkea vs. Domain Administration - CAC Case No. 102345).

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that the domain names are identical or confusingly similar to trademarks in which the Complainant has rights. The Complainant therefore succeeds on the first element of the Policy.

2) Pursuant to paragraph 4(a)(ii) of the Policy, a complainant must make out a prima facie case that a respondent lacks rights or legitimate interests in the domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. In this case, the Panel finds that the Complainant’s submitted evidence and allegations are sufficient to establish a prima facie case of the Respondent’s lack of rights and legitimate interests in the disputed domain names, also considering the fact that the Respondent had the chance to justify the registration and use of the disputed domain names, but failed to do so. According to the information provided by the Complainant and not contested, the Respondent is not commonly known by the disputed domain name nor authorized to use the Complainant’s trademark "MID.YOU" and/or "BESSAGI". For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain names for the purpose of the second element of the Policy. The Complainant therefore succeeds on the second element of the Policy.

3) As to bad faith at the time of registration, the Panel finds that the Respondent was clearly aware of the Complainant and its rights in the trademarks "MID.YOU" and "BESSAGI" when registering the disputed domain names. The Complainant’s trademark rights predate the registration of the disputed domain names on July 30, 2024. Furthermore, the websites associated with the disputed domain names reproduce the Complainant’s "MID.YOU" and "BESSAGI" trademarks in addition to providing a number of indications that unequivocally suggest an attempt to impersonate the Complainant, such as to mislead consumers as to the business entity behind the activities carried out via the disputed domain names. Such use makes it implausible that the Respondent registered the disputed domain names without knowledge of the Complainant and its trademarks "MID.YOU" and "BESSAGI".

As to bad-faith use, Paragraph 4(b)(iv) of the Policy provides that evidence of bad faith exists where, by using the domain names, the Respondent intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of the website or of a product or service on the website. The circumstances of the present case correspond precisely to such situation. Actually, the Respondent uses domain names almost identical to the Complainant trademarks "MID.YOU" and "BESSAGI" for websites which present themselves as connected with the Complainant's brands. The above websites clearly create the impression of official or authorized websites. Internet users attracted to the websites on this basis are subsequently redirected, through Amazon affiliate links which allow the Respondent to earn commissions when an Internet user clicks on a link. The Respondent thus appears to derive commercial benefit from the confusion created by the use of the Complainant trademarks (see Société des Produits Nestlé S.A. v. Vadym Bayev, CAC Case No. 108629).

Taking into account all of the above, the Panel concludes that the Respondent registered and is using the disputed domain names intentionally to create a likelihood of confusion with the Complainant trademarks and to attract Internet users for commercial gain.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy and therefore that it succeeds also on 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. **midyoude.com**: Transferred
2. **bessagide.com**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2026-11-18

Publish the Decision