

ADMINISTRATIVE PANEL DECISION

LEGO Juris A/S v. wang si tan

Case No. D2024-0129

1. The Parties

The Complainant is LEGO Juris A/S, Denmark, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is wang si tan, China.

2. The Domain Name and Registrar

The disputed domain name <legomaster.top> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 12, 2024. On January 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On the same day, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. The Complainant filed an amended Complaint in English on January 17, 2024, including a request for English to be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Chinese and English of the Complaint, and the proceeding commenced on January 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 14, 2024.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on February 27, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

A. Complainant

The Complainant is a company incorporated in Denmark and the owner of the trade mark LEGO which is famous for its construction toys.

In addition to numerous registrations worldwide for its LEGO trade mark (e.g., Chinese trademark registration No. 1248861, with a registration date of February 21, 1999), the Complainant is also the owner of registrations for its LEGO MASTERS trade mark (the "Trade Mark"), including Chinese registration No. 38863474, with a registration date of April 14, 2020.

B. Respondent

The Respondent is located in China.

C. The Disputed Domain Name

The disputed domain name was registered on August 29, 2023.

D. Use of the Disputed Domain Name

The disputed domain name was initially resolved to an apparent personal blog website with stock imagery and placeholder text.

The disputed domain name was subsequently resolved to a website, containing links to third party commercial websites at "www.nginx.com" and "www.nginx.org" operated by an App developer.

As at the date of this Decision, the disputed domain name is no longer resolved to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless

specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name was previously resolved to a website featuring various phrases in English.

The Respondent did not file a response in this proceeding and did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

A. Identical or Confusingly Similar

It is well accepted that the first 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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name contains a common, obvious or intentional misspelling of the Trade Mark (namely, "lego master" omitting the letter "s" at the end). [WIPO Overview 3.0](#), section 1.9. The Panel therefore finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. To the contrary, the Panel notes (i) several aspects of the website to which the disputed

domain name was initially resolved that are not commensurate with bona fide operations, for example, the use of stock background imagery; and the use of placeholder text, such as “Author’s personal email address” under the heading “contact us”, “This is my Blog” under the heading “announcement”, and the nonsensical “Nanny level tutorial! Minecraft entry guide” under the heading “latest articles”; (ii) the disputed domain name was subsequently resolved to an active website containing links to third party commercial websites; and (iii) the disputed domain name is presently not being used.

The use of the disputed domain name in the above manner cannot be considered as a bona fide offering of goods or services, or legitimate noncommercial or fair use, for the purposes of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In light of the manner of use of the disputed domain name set out in section 6.B. above, the Panel finds that bad faith registration and use has been made out, both specifically under paragraph 4(b)(iv) of the Policy, and under the Panel’s general discretion under paragraph 4(b) of the Policy.

The current non-use of the disputed domain name does not change the Panel’s finding of the Respondent’s bad faith under the doctrine of “passive holding”. [WIPO Overview 3.0](#), section 3.3.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <legomaster.top> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: March 11, 2024