

## **ADMINISTRATIVE PANEL DECISION**

Veja Fair Trade, Sarl v. Lowe Claudia  
Case No. DAE2023-0006

### **1. The Parties**

The Complainant is Veja Fair Trade, Sarl, France, represented by SafeBrands, France.

The Respondent is Claudia Lowe, Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <veja.ae> is registered with AE Domain Administration (.aeDA).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 19, 2023. On July 20, 2023, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On July 24, 2023, AE Domain Administration (.aeDA) transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 1, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was August 21, 2023. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on August 28, 2023.

The Center appointed Daniel Peña as the sole panelist in this matter on September 4, 2023. 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**

The Complainant is the owner of registered trademarks VEJA, as follows:

- European Union registration VEJA n° 9075003, dated November 30, 2012, in classes 18 and 25;
- International registration VEJA n°848383, dated February 1, 2005, in classes 15 and 25;
- International registration VEJA n° 1415444, dated May 23, 2018, claiming goods included in the class 25.

The disputed domain name was registered on August 24, 2022. The disputed domain name resolved to website that allegedly offers the Complainant's goods at discounted prices and reproduces the Complainant's trademarks, logo, copyrighted photos, and graphic charter. The disputed domain name is currently inactive.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant has become one of the leading names in the shoe industry notably in France where the Complainant is headquartered since 2005.

The trademark VEJA is a well-known French shoe brand as an environmentally friendly sneakers brand.

The Complainant is offering its products online throughout its official website and via its own stores as well as its retailer's network around the world. In addition to the possibility for Emirati to buy products online, they can find and buy VEJA products in the shops of VEJA's retailers established in the United Arab Emirates.

The disputed domain name reproduces identically the trademark VEJA. The mere addition of the country-code Top-Level Domain ("ccTLD") ".ae" is for Internet registration purposes only, being a requirement of the domain naming system, and does not serve as a distinguishing feature for trademark purposes under the Policy.

The disputed domain name is identical to the Complainant's trademarks.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Respondent is not commonly known by the trademark VEJA.

The Respondent did not obtain any authorization from the Complainant to use the registered trademark VEJA.

The disputed domain name resolved to a website that reproduces the Complainant's trademarks, logo, copyrighted photos, and graphic charter in order to sell heavily discounted goods supposedly coming from the Complainant. Indeed, in order to limit the infringement of his rights, the Complainant succeeded in having the fraudulent site shut down.

Given the long-standing use and reputation of the Complainant's trademark, the Respondent has intent to, for commercial gain, mislead Internet users into believing that its website linked to the disputed domain name has been connected with the Complainant, and divert Internet users looking for the Complainant's products to the Respondent's website.

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

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed 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 disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. Considering these requirements, the Panel rules as follows:

Given the similarities between the .JAE Policy and the Uniform Domain Name Resolution Policy ("UDRP"), the Panel finds it appropriate to refer to UDRP jurisprudence, including reference to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

### **A. Identical or Confusingly Similar**

Paragraph 6(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has provided evidence of its rights in the trademarks VEJA on the basis of its multiple trademark registrations including its international trademark registrations and in the European Union. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.2.1).

It has also been established by prior UDRP panels that incorporating a trademark in its entirety into a domain name can be sufficient to establish that the domain name is confusingly similar to a trademark. Such findings were confirmed, for example, within section 1.7 of the [WIPO Overview 3.0](#). The Respondent's incorporation of the Complainant's VEJA trademark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant's mark.

Furthermore, the addition of the ccTLD ".ae" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 6(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

In accordance with paragraph 6(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel observes that there is no relationship, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Panel also finds that there is no indication that the Respondent is commonly known by the disputed domain name because the Respondent's name is "claudia lowe" which has no apparent connection with the VEJA trademark.

The Complainant claims that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Complainant's trademarks in a domain name or in any other manner. Furthermore, the disputed domain name directs to a commercial website that allegedly offers the Complainant's goods at discounted prices, without any disclaimer as to the relation with

or authorization of the Complainant, exacerbating the user confusion as to the website's affiliation to the Complainant.

Such use for deliberately attracting Internet users to its website in the mistaken belief that it is a website of the Complainant, or otherwise linked to or authorized by the Complainant supports a finding that the Respondent lacks rights to or legitimate interests in the disputed domain name.

The Respondent did not submit a Response or attempt to demonstrate any rights or legitimate interests in the disputed domain name.

The Panel finds the Respondent has no rights or legitimate interests in respect of the disputed domain name and that paragraph 6(a)(ii) of the Policy is satisfied.

The Panel concludes that the Respondent deliberately chose to include the Complainant's VEJA trademark in the disputed domain name, in order to achieve commercial gain by misleading third parties, and that such use cannot be considered as a legitimate noncommercial or fair use. Thus, the Panel finds that the disputed domain name carries a risk of implied affiliation with the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Complainant has satisfied the requirement under paragraph 6(a)(ii) of the Policy.

### **C. Registered or Used in Bad Faith**

Paragraph 6(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

In the Panel's view, a finding of bad faith may be made where the Respondent "knew or should have known" of the registration and/or use of the trademark prior to registering the disputed domain name. In this case, the Complainant submits that at the date of registration of the disputed domain name the Respondent knew or should have known of the Complainant's mark VEJA considering the global renown of the Complainant's prior mark and the website content targeting the Complainant's logos and products.

The Panel takes note of the construction of the disputed domain name, which reproduces in its entirety the VEJA mark, as well as the fact that the disputed domain name directs to a website that contains the Complainant's logo, trademarks, copyrighted photos, graphic charter and allegedly offers the Complainant's goods at discounted prices.

The Panel is satisfied that by directing the disputed domain name to a commercial website allegedly offering the Complainant's goods, the Respondent has intentionally attempted 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 its website or of the products on its website. Under paragraph 6(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name in bad faith.

Having considered the Complainant's submissions and in the absence of a Response, the Panel accepts the Complainant's submission that on the evidence there is no plausible circumstance under which the Respondent could legitimately register or use the inherently misleading disputed domain name. Consequently, the Panel finds that the disputed domain name was registered and used by the Respondent in bad faith within paragraph 6(a)(iii) of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <veja.ae> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Panelist

Date: September 18, 2023