

## ADMINISTRATIVE PANEL DECISION

Veja Fair Trade, Sarl v. Client Care, Web Commerce  
Communications Limited  
Case No. D2022-1478

### 1. The Parties

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

The Respondent is Client Care, Web Commerce Communications Limited, Malaysia.

### 2. The Domain Names and Registrar

The disputed domain names <chileveja.com>, <colombiaveja.com>, <denmarkveja.com>, <hungaryveja.com>, <norwayveja.com>, <sapatilhas-veja.com>, <sapatilhasveja.com>, <shoesvejagr.com>, <tenisveja-brasil.com>, <tenisvejabrazil.com>, <tenisveja-mexico.com>, <tenisvejavert.com>, <vejaamerica.com>, <veja-au.com>, <veja-belgie.com>, <vejablackfriday.com>, <veja-brazil.com>, <veja-budapest.com>, <vejabutikdk.com>, <vejacampocanada.com>, <vejacanadaonline.com>, <vejacipobudapest.com>, <veja-colombia.com>, <veja-de.com>, <vejademark.com>, <veja-dk.com>, <vejaempotugal.com>, <veja-es.com>, <vejaes.com>, <veja-espana.com>, <vejafactoryoutlet.com>, <veja-gr.com>, <veja-greek.com>, <veja-hu.com>, <veja-ie.com>, <vejaindirim.com>, <veja-italia.com>, <veja-it.com>, <vejajoggesko.com>, <vejakaufen.com>, <vejakengatale.com>, <veja-madrid.com>, <vejamalaysias.com>, <veja-mexico.com>, <veja-nederland.com>, <vejanetherlands.com>, <veja-nl.com>, <veja-nls.com>, <vejanorgesalg.com>, <veja-nz.com>, <vejaonlinedeutschland.com>, <vejaoutletargentina.com>, <vejaoutletusa.com>, <vejaphilippine.com>, <veja-philippines.com>, <vejaphilippinesstore.com>, <veja-pl.com>, <vejaportogallo.com>, <veja-portugal.com>, <vejapromocja.com>, <veja-pt.com>, <vejapoutlet.com>, <vejapts.com>, <vejarea.com>, <vejaretailers.com>, <veja-ro.com>, <vejasaldi.com>, <vejasalenz.com>, <vejasaleph.com>, <vejasaleusa.com>, <vejasalymy.com>, <vejaschuhesale.com>, <veja-se.com>, <veja-sg.com>, <vejasgshoes.com>, <vejashoeireland.com>, <vejashoesgr.com>, <vejashoesjp.com>, <vejashoesmexlco.com>, <veja-shoes-nz.com>, <vejashoesportugal.com>, <vejashoesaleuk.com>, <vejashoesturkey.com>, <vejashoesuk.com>, <vejashopgr.com>, <vejashopireland.com>, <vejashopnz.com>, <vejashopschweiz.com>, <vejasingaporesale.com>, <vejasingaporestore.com>, <vejasnorway.com>, <vejasneakerdamen.com>, <vejasneakerdamensale.com>, <vejasneakernederland.com>, <vejasneakers-australia.com>, <vejasneakersnorway.com>, <vejasneakersphilippines.com>, <vejasneakers-sale.com>, <vejasneakerssolden.com>, <vejasneakers-southafrica.com>, <vejasneakersturkiye.com>, <vejasolde.com>, <vejasrbija.com>, <vejastockistsireland.com>, <vejastoreargentina.com>, <vejastoreaustralia.com>, <vejastorebelgie.com>, <vejastorecanada.com>, <vejastorechile.com>, <vejastorecolombia.com>, <vejastorecz.com>.

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### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 25, 2022. On April 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 28, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on April 29, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 3, 2022.

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 of the Complaint, and the proceedings commenced on May 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2022.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on June 28, 2022. 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 a French company, headquartered in Paris and is commonly known as VEJA. The company was founded in 2005 and ever since designs, produces, and sells footwear under the VEJA brand. The company is mainly offering its products online throughout its official website <veja-store.com>.

The Complainant is the owner of several trademark registrations, including, but not limited to the European Union Trade Mark VEJA (word/device), with registration No. 009075003 and with registration date of November 30, 2012, for goods and services in classes 18 and 25 and the International Registration for the trademark VEJA (word/device), with registration No. 848383 and with a registration date of February 1, 2005, for goods and services in classes 18 and 25, designating, *inter alia*, China, Switzerland, and the Russian Federation.

In addition to this, the Complainant has trademark rights in the country where the Respondent is located. The Complainant is owner of the Malaysian registration VEJA (word/device) with registration No. 2010012538 and with a registration date of December 16, 2011, for goods and services in class 25.

The aforementioned trademark registrations will hereinafter also jointly be referred to as the "Trademarks", or in singular "Trademark" where there is no need to specify the specific trademarks registration involved.

The Domain Names were all registered between June 2021 and January 2022. The Domain Names redirect to different websites (the "Websites") either indicating that the access is restricted or filtered, or, in addition to this, other Domain Names redirect to Websites on which apparently counterfeit goods under the Trademark seem to be offered for sale.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends the following:

VEJA is a well-known French and environmentally friendly sneakers brand.

The Domain Names are all confusingly similar to the Trademarks. More specifically, the Domain Names all incorporate the Trademark in its entirety. The Registrant only adds generic and/or descriptive terms in different languages. These terms refer to, *inter alia*, the Complainant's products, the businesses it operates, and/or the locations where the Complainant is active.

The Respondent failed to prove its rights or legitimate interests in respect of the Domain Names. The Respondent is not commonly known by the Domain Names. Moreover, the Respondent has not secured any (registered) rights with regard to the Domain Names. In addition to this, the Respondent has not obtained permission or any authorization from the Complainant to use the Trademark. There is also no proof of an economic, financial or any other kind of relationship with the Complainant. Furthermore, the Domain Names either resolve to Websites that are restricted or filtered for the Internet users or the Domain Names resolve to Websites on which the Respondent is offering counterfeit products for sale. Such use cannot constitute a *bona fide* offering of goods and services.

Moreover, the Domain Names have been registered and used in bad faith. The Respondent registered the Domain Names with prior knowledge of the Trademark. This is because, the Respondent chose to register 145 Domain Names that all copy the well-known trademark of the Complainant. In addition to this, the Respondent registered the Domain Names through a proxy service. Furthermore the Respondent is intentionally using the Domain Names to attract Internet users by creating a likelihood of confusion with the Complainant's Trademark. Especially, considering the fact that many of the Domain Names revert to Websites on which the Respondent is offering counterfeit products for sale. In addition to this, numerous other Domain Names resolve to inactive Websites. Both instances demonstrate the registration and use in bad faith.

### **B. Respondent**

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

## 6. Discussion and Findings

### 6.1 Preliminary Matter: Consolidation of Multiple Domain Names

The present proceeding involves the Complainant bringing a single Complaint relating to 145 Domain Names against a single Respondent. The Complainant has made a request for consolidation and, in accordance with section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), thus bears the *onus* of establishing that such a consolidation is justified.

The Panel is satisfied that such consolidation is justified, based on the evidence brought forward by the Complainant. All the Domain Names have all been registered with the same Whols details. Moreover, all Domain Names have been registered with the same Registrar and link to only three providers. In addition to this, the Websites are or were substantially identical and all target the same trademark. Lastly, the Domain Names were all registered within a relatively short period of time.

### 6.2 Substantive Matter

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith

#### A. Identical or Confusingly Similar

The Complainant has sufficiently proven to have rights in the Trademark.

The Domain Names all consist of the Trademark in its entirety, followed by terms (including abbreviations) in various languages. These terms all indicate either the Complainant's products, the businesses it operates, and/or the locations where the Complainant is active.

As set out in the [WIPO Overview 3.0](#), section 1.8, the addition of other terms would not prevent a finding that a domain name is confusingly similar to the relevant mark for purposes of the first element.

The Trademark is clearly recognizable in all the Domain Names. The addition of the various terms (including abbreviations) does not prevent a finding of confusing similarity between the Domain Names and the Complainant's Trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

#### B. Rights or Legitimate Interests

The Complainant in its Complaint has established a *prima facie* case that the Respondent has no rights or legitimate interest in the Domain Names.

The Panel could not find any evidence by referring to the types of evidence set forth in paragraph 4(c) of the Policy from which the Panel may conclude that the Respondent has rights or legitimate interests in the Domain Names, such as:

- (i) use or preparation to use the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services prior to notice of the dispute; or

(ii) being commonly known by the Domain Names (as an individual, business or other organization) even if the Respondent has not acquired any trademark or service mark rights; or

(iii) making legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The *prima facie* case presented by the Complainant is enough to shift the burden of production to the Respondent to demonstrate that it has rights or legitimate interest in the Domain Names. However, the Respondent has not presented evidence of any rights or legitimate interests it may have in the Domain Names, and the Panel is unable to establish any such rights or legitimate interests on the basis of the evidence in front of it.

The Complainant has asserted that the Respondent is not affiliated with the Complainant in any way. There is no evidence of an economic, financial or any other kind of relationship with the Complainant. In addition to this, there is no evidence that the Respondent has secured any (registered) rights in regard to the Domain Names. Nor has the Respondent ever been permitted by the Complainant to use the Trademark or to register the Domain Names. Moreover, there is no evidence that the Respondent is commonly known under the names.

The Respondent has also not put forward any evidence that would support the claim that the Respondent has used or made preparations to use the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services.

To the contrary, the Respondent uses a number of the Domain Names to offer allegedly counterfeit products for sale. In accordance with section 2.13.1 of the [WIPO Overview 3.0](#) the use of a domain name for *per se* illegitimate activity, such as the sale of counterfeit goods, can never confer rights or legitimate interest on a respondent. Considering the significantly discounted prices, use of the Complainant's copyrighted images, and that various Domain Names are no longer resolving to the Websites, the Panel finds the totality of circumstances supports an inference that the any goods offered are likely counterfeit. See section 2.13.2 of the [WIPO Overview 3.0](#).

In any event, should no goods be offered, the lack of any clarifying statement as to the Domain Names' relation (or lack thereof) to the Complainant cannot constitute fair use, and coupled together with the risk of affiliation caused by the confusingly similar construction of the Domain Names, the circumstances reinforce the Respondent's lack of rights or legitimate interests. See sections 2.5.1 and 2.8 of the [WIPO Overview 3.0](#).

Whereas, the other Domain Names are just passively held, this could also not be considered a legitimate noncommercial or fair use.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in relation to the Domain Names.

The Panel, therefore, finds that the second element has been satisfied.

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

The Panel finds that the Respondent has registered and used the Domain Names in bad faith and refers to its considerations under section 6.2.B. above.

Taking into consideration the evidence filed by the Complainant, the Panel finds that the Trademark and the Complainant's activities are well known in many countries in the world. The Complainant is owner of numerous trademarks which are being used and were registered many years before the Domain Names were registered. Accordingly, in the Panel's view, the Respondent must have been aware of the existence of

the Complainant's activities and rights at the time the Respondent registered the Domain Names, certainly as the Respondent has reproduced on the Websites logos and copyrighted photos which create the impression that the goods offered on the Websites are coming from the Complainant.

Moreover, using a selection of the Domain Names for Websites that offer counterfeit products must by definition be considered as use in bad faith (see section 2.13.1 of the [WIPO Overview 3.0](#)), certainly whereas no Response has been filed. Despite all the efforts the Complainant has made to contact the Respondent to settle the dispute amicably, it can therefore, not lead to any other plausible conclusion than that the Respondent registered and is using the Domain Names in bad faith.

Although some of the Domain Names only resolve to parking pages that indicate that the Websites are restricted or filtered, this will also in light of the facts of the matter, including the circumstances outline below, not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

Finally, although the lack of a formal or substantive response by the Respondent as such cannot by itself lead to the conclusion that there is registration and use in bad faith, the cumulative circumstances as outlined in the Decision are sufficient for the Panel to find that the registration and use of the Domain Names by the Respondent is in bad faith.

In light of the above circumstances, the Panel is satisfied that the third element of the Policy is met and that the Domain Names have been registered and are being used in bad faith.

## 7. Decision

In the Complaint the Complainant requested for the transfer of the Domain Names. However, after the Notification of Respondent Default and communications with the Center relating to the expiry the Domain Names, the Complainant requested for the cancelation of the Domain Names.

The Panel accepts this request to change the remedy. In this regard the Panel finds that the Respondent is not adversely affected in its interests when all 145 Domain Names are cancelled, instead of being transferred to the Complainant. The Panel considers that the Respondent has not filed a response and has, therefore, not demonstrated its interest in the proceedings or the outcome of the proceedings.

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names <chileveja.com>, <colombiaveja.com>, <denmarkveja.com>, <hungaryveja.com>, <norwayveja.com>, <sapatilhas-veja.com>, <sapatilhasveja.com>, <shoesvejagr.com>, <tenisveja-brasil.com>, <tenisvejabrazil.com>, <tenisveja-mexico.com>, <tenisvejavert.com>, <vejaamerica.com>, <veja-au.com>, <veja-belgie.com>, <vejablackfriday.com>, <veja-brazil.com>, <veja-budapest.com>, <vejabutikdk.com>, <vejacampocanada.com>, <vejacanadaonline.com>, <vejacipobudapest.com>, <veja-colombia.com>, <veja-de.com>, <vejademark.com>, <veja-dk.com>, <vejaemportugal.com>, <veja-es.com>, <vejaes.com>, <veja-espana.com>, <vejafactoryoutlet.com>, <veja-gr.com>, <veja-greek.com>, <veja-hu.com>, <veja-ie.com>, <vejaindirim.com>, <veja-italia.com>, <veja-it.com>, <vejajoggesko.com>, <vejakaufen.com>, <vejakengatale.com>, <veja-madrid.com>, <vejamalaysias.com>, <veja-mexico.com>, <veja-nederland.com>, <vejanetherlands.com>, <veja-nl.com>, <veja-nls.com>, <vejanorgesalg.com>, <veja-nz.com>, <vejaonlinedeutschland.com>, <vejaoutletargentina.com>, <vejaoutletusa.com>, <vejaphilippine.com>, <veja-philippines.com>, <vejaphilippinesstore.com>, <veja-pl.com>, <vejaportogallo.com>, <veja-portugal.com>, <vejapromocja.com>, <veja-pt.com>, <vejaoutlet.com>, <vejapts.com>, <vejarea.com>, <vejaetailers.com>, <veja-ro.com>, <vejasaldi.com>, <vejasalenz.com>, <vejasaleph.com>, <vejasaleusa.com>, <vejasalymy.com>, <vejaschuhesale.com>, <veja-se.com>, <veja-sg.com>, <vejasgshoes.com>, <vejashoehireland.com>, <vejashoesgr.com>, <vejashoesjp.com>, <vejashoesmexico.com>, <veja-shoes-nz.com>, <vejashoesportugal.com>, <vejashoessaleuk.com>, <vejashoesturkey.com>, <vejashoesuk.com>, <vejashopgr.com>, <vejashopireland.com>.

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*/Willem J.H. Leppink/*

**Willem J.H. Leppink**

Sole Panelist

Date: July 11, 2022