

ADMINISTRATIVE PANEL DECISION

Stibbe B.V. v. Mr. Auther Jackson, Stibbe & Loef Law
Case No. D2022-1557

1. The Parties

The Complainant is Stibbe B.V., Netherlands, represented by The Data Lawyers B.V., Netherlands.

The Respondent is Mr. Auther Jackson, Stibbe & Loef Law, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <stibbelaw.com> (the “Domain Name”) is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2022. On April 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 30, 2022, the Registrar 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 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 7, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 21, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a law firm in the Netherlands. The Complainant's parent company Stibbe N.V. is the owner of the trademark STIBBE, registered with the European Union Intellectual Property Office (filing number: 001990514).

The Domain Name was registered on October 17, 2021. At the time of filing of the Complaint, the Domain Name resolved to a webpage that pursuant to the Complainant is the website of a Dutch law firm named Stibbe Loef Advocaten that is not registered at the Dutch Chamber of Commerce. The attorneys mentioned on the website are not registered with the Dutch Bar Association. At the time of the Decision, the Domain Name resolved to an error page.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registration, and argues that the Domain Name is confusingly similar to the Complainant's trademark STIBBE.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Respondent has used the Domain Name for a website that seems to divert visitors or to tarnish the trademark at issue. According to the Complainant, the website appears to be fraudulent. The website pretends to be a website of a Dutch law firm named "Stibbe Loef Advocaten". No law firm with that company name is registered as such with the Dutch Chamber of Commerce. The attorneys mentioned on the website are also not registered with the Dutch Bar Association.

The Complainant argues that the Respondent has intentionally attempted to attract for commercial or other gain, 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 the Respondent's website or location. The Respondent's website seems fraudulent. The impression is created that it is the website of a Dutch law firm named "Stibbe Loef Advocaten" that does not exist in the Netherlands. The attorneys mentioned on the website are also not registered with the Dutch Bar Association.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademarks STIBBE. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the addition of "law". The addition does not prevent a finding of confusing similarity between the Domain Names and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains ("gTLDs"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to trademarks in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

As stated in [WIPO Overview 3.0](#), section 2.1, “while 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Complainant has made unrebutted assertions that the Respondent’s website pretends to be a website of a Dutch law firm named “Stibbe Loef Advocaten”. This law firm is not registered with the Dutch Chamber of Commerce and the attorneys mentioned on the website are not registered with the Dutch Bar Association. In addition, the Panel notes that the Complainant has claimed that the website at the Domain Name is a fraudulent website, and the Respondent has failed to rebut this serious allegation or to provide any reasonable explanation for the adoption of the Domain Name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Based on the asserted use of the Domain Name, the Panel finds it likely that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. Moreover, the composition of the Domain Name suggests that the Respondent was aware of the Complainant when registering the Domain Name.

The Respondent appears to have used the Domain Name to attempt to attract for commercial or other gain, users to its website or other online location, by creating a likelihood of confusion with the Complainant’s trademark.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <stibbelow.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: July 5, 2022