

ADMINISTRATIVE PANEL DECISION

ANWB B.V. v. Timothy Weah / Jonathan Otamendi / baro bars, bars bv / maken brokko, brokko / marco asensio, asensco / even raggen, raggen / Iago Aspas, Celta / kkk kkk, kkk / jerayno Wijdeland, kilode / Chop Chop, Chop / papier zien, papier / zem zam / glof lam / besx man / johb man / krom zool / shak pper
Case No. D2022-3435

1. The Parties

The Complainant is ANWB B.V., Netherlands, represented by ICTRecht B.V., Netherlands.

The Respondents are Timothy Weah, Guam, United States of America / Jonathan Otamendi, Antarctica / baro bars, bars bv, Netherlands / maken brokko, brokko, Netherlands / marco asensio, asensco, Netherlands / even raggen, raggen, Netherlands / Iago Aspas, Celta, Netherlands / kkk kkk, kkk, Netherlands / jerayno Wijdeland, kilode, Anguilla, United Kingdom / Chop Chop, Chop, Netherlands / papier zien, papier, Netherlands / zem zam, Netherlands / glof lam , Netherlands / besx man, Netherlands / johb man, Germany / krom zool, Netherlands / shak pper, Netherlands.

2. The Domain Names and Registrar

The disputed domain names <anwb-administratie.xyz>, <anwb-betaling.xyz>, <anwb-facturen.xyz>, <anwb-mijnfacturen.online>, <anwb-nederland.xyz>, <anwb-nl-mijnfactuur.online>, <anwb-nl-mijnfactuur.site>, <anwb-nl-mijnfactuurxyz.xyz>, <anwb-openstaandefactuur.xyz>, <betalen-mijnanwb-nl.xyz>, <doorruuts-anwb.online>, <facturering-anwb.xyz>, <factuurbetalen-anwb-nl.xyz>, <factuurbetalen-anwb.xyz>, <herinnering-anwb-nl.xyz>, <herinnering-anwb.xyz>, <herinnering-mijnanwb.xyz>, <lidmaatschap-anwb-nl.xyz>, <mijnanwb-betalen.xyz>, <mijnanwb-factuur-nl.online>, <mijnanwb-factuur.xyz>, <mijnanwb-herinnering.xyz>, <mijn-anwb-Ideal-nl.info>, <mijn-anwb-Ideal-portaal-nl.info>, <mijn-anwb-Ideal-portal-nl.info>, <mijnanwb-nl.xyz>, <mijnfactuur-anwb-nl.xyz>, <mijnlidmaatschap-anwb-nl.xyz>, <nl-mijnanwb.xyz>, <openstaandefactuur-anwb-nl.xyz>, <openstaandefactuur-anwb.xyz>, <www-anwb-betalomgeving-nl.info>, <www-anwb-klanten-factuur-nl.info> and <www-mijn-anwb-overzicht-nl.info> (the “Domain Names”) are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 15, 2022. On September 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On September 16 and 23, 2022, the Registrar transmitted by email to the Center its verification responses disclosing registrant and contact information for the Domain Names which differed from the named Respondent (See PrivacyGuardian.org, United States of America) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 amendment to the Complaint on September 26, 2022.

The Center verified that the Complaint together with the amendment to 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 Respondents of the Complaint, and the proceedings commenced on September 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2022. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on October 20, 2022.

The Center appointed Gregor Vos as the sole panelist in this matter on November 2, 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 Dutch traveler’s association, supporting all modes of transport. The Complainant currently has over 4 million members in the Netherlands and has been using the sign ANWB since 1912.

The Complainant is the owner of *inter alia* the following trademark registrations (hereinafter jointly referred to as the “Trademarks”).

- Benelux trademark registration No. 354853 for ANWB registered on June 1, 1979;
- Benelux trademark registration No. 156879 for ANWB registered on August 1, 1988;
- European Union Trade Mark registration No. 000873505 for ANWB registered on March 30, 2000.

The Domain Names have been registered in October, November or December 2021. The Domain Names either resolve to inactive websites or websites with warning messages of potential deceptive websites or the link has been removed because of malware or scam.

5. Parties’ Contentions

A. Complainant

Preliminarily, according to the Complainant, the Domain Names are under common control of one entity. Therefore, the different domain name disputes should be consolidated in these proceedings.

With the Complaint, the Complainant seeks that the Domain Names be transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Names are identical or confusingly similar to the Complainant's Trademarks, the Respondents have no rights or legitimate interests in the Domain Names, and the Domain Names have been registered and are being used in bad faith.

Firstly, according to the Complainant, the Domain Names are confusingly similar to its Trademarks. The Trademarks are included in all the Domain Names and the additions in the Domain Names of payment-related terms do not detract from a finding of confusing similarity.

Secondly, according to the Complainant, the Respondents have no rights or legitimate interests in the Domain Names. To support this, the Complainant argues that the Respondents never received permission to register or use the Domain Names. Furthermore, the Complainant argues that none of the Domain Names resolve to a website with substantial content. According to the Complainant, it is very likely that the Domain Names are solely used for the distribution of so-called "phishing emails". Also, the Complainant argues that there is no evidence of any *bona fide* use of the Domain Names, and that the Respondents are making unfair and commercial use of the Domain Names with the intent to mislead and divert consumers or tarnish the Trademarks.

Finally, according to the Complainant, the Respondents have registered and are using the Domain Names in bad faith. According to the Complainant, the Domain Names were registered with fraudulent intentions and that the Respondents intentionally tried to attract for commercial and fraudulent gain, Internet users to the Respondents' websites through creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondents' websites.

B. Respondents

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

6. Preliminary Procedural Issue: Consolidation of Multiple Domain Names and Respondents

The Panel will first deal with the question of whether the different domain name disputes should be consolidated in a single proceeding.

Paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder. Further, paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes. The consolidation of multiple domain name disputes under paragraphs 3(c) and 10(e) of the Rules may be appropriate where the particular circumstances of a case indicate that common control is being exercised over the disputed domain names or the websites to which the disputed domain names resolve and the panel, having regard to all of the relevant circumstances, determines that consolidation would be procedurally efficient and fair and equitable to all parties.

Indicia of common control have been found based on commonalities in registrant information, such as shared administrative or technical contacts and shared postal or email addresses, as well as other circumstances in the record indicating that the respondents are related or that a sufficient unity of interests otherwise exists that they may be essentially subject to the common control (see [WIPO Overview 3.0](#), section 4.11.2; *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#)).

In the present case, the Panel finds that the consolidation of the domain name disputes is justified. First, all Domain Names incorporate the Trademarks in their entirety with the addition of other terms majority in Dutch. Second, all Domain Names are registered with the same Registrar using the same privacy service See PrivacyGuardian.org. Third, all Domain Names have been registered in a period of three months, and

either resolve to inactive websites or websites with warning messages of potential deceptive websites or the link has been removed because of malware or scam. Fourth, all Domain Names are registered using the same zip code “85014” although the postal addresses are different. Therefore, it is very likely that the postal addresses are fake. Fifth, some of the Respondents’ names do not appear to be real, such as kkk kkk, kkk and Chop Chop, Chop. Finally, the Respondents have not objected to consolidation of the domain name disputes.

Therefore, the Panel finds, having regard to all relevant circumstances, that the Domain Names are under common control and that it is procedurally efficient and fair and equitable to all Parties when the domain name disputes are consolidated. The Respondents are hereinafter referred to as the “Respondent”.

7. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant’s undisputed factual presentations.

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- (i) the Domain Names are identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- (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.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Names are (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant is registered as the owner of the Trademarks. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademarks.

With regard to the assessment of identity or confusing similarity of the Domain Names with the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Trademarks and the Domain Names (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#))). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the Trademarks are incorporated in their entirety in the Domain Names. Additionally, the addition of the other terms “mijn” (my), “factuur” (“invoice”), “nl” (Netherlands), “www”, “klanten” (customers/clients), “facturering” (invoicing), “ideal”, “portal” (portal), “doorruuts” (through), “betalen” (pay), “nederland” (Netherlands), “herinnering” (reminder), “betaalomgeving” (payment environment), “overzicht” (overview), “lidmaatschap” (membership), “openstaande factuur” (open invoice), “betaling” (payment), and “administratie” (administration) in the Domain Names do not prevent a finding of confusing similarity.

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

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Names. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g., [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpres Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in a disputed domain name.

The Complainant has substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to rebut the *prima facie* case established by the Complainant. Furthermore, based on the record before it, the Domain Names either resolve to inactive websites or websites with warning messages of potential deceptive websites or the link has been removed because of malware or scam. Therefore, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names. Paragraph 4(a)(ii) of the Policy is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-limitative circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Trademarks are registered by the Complainant and have been used for many years. The Complainant's rights to the Trademarks predate the registration date of the Domain Names. Even though the Complainant does not assert that the Trademarks are well known, the Panel notes that they at least enjoy a reputation in the Netherlands. Given that all Domain Names incorporate the Trademarks in their entirety and many of them are in combination with Dutch terms, it is not conceivable that the Respondent chose the Domain Names without knowledge of the Complainant's activities and its Trademarks under which the Complainant is doing business.

The Domain Names either resolve to inactive websites or websites with warning messages of potential deceptive websites or the link has been removed because of malware or scam. Considering the circumstances of this case, in particular the nature of the Domain Names and the reputation of the Trademarks, the Panel finds that there is no conceivable good-faith use of the Domain Names which may be put. Also, the Respondent failed to submit a response and to rebut the Complainant's case. Finally, the Respondent has concealed its identity when registering the Domain Names by using a privacy service, and has likely submitted false contact details in breach of the registration agreements.

Accordingly, the Panel finds that the Domain Names have been registered and are being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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 Names <anwb-administratie.xyz>, <anwb-betaling.xyz>, <anwb-facturen.xyz>, <anwb-mijnfacturen.online>, <anwb-nederland.xyz>, <anwb-nl-mijnfactuur.online>, <anwb-nl-mijnfactuur.site>, <anwb-nl-mijnfactuurxyz.xyz>, <anwb-openstaandefactuur.xyz>, <betalen-mijnanwb-nl.xyz>, <doorruuts-anwb.online>, <facturering-anwb.xyz>, <factuurbetalen-anwb-nl.xyz>, <factuurbetalen-anwb.xyz>, <herinnering-anwb-nl.xyz>, <herinnering-anwb.xyz>, <herinnering-mijnanwb.xyz>, <lidmaatschap-anwb-nl.xyz>, <mijnanwb-betalen.xyz>, <mijnanwb-factuur-nl.online>, <mijnanwb-factuur.xyz>, <mijnanwb-herinnering.xyz>, <mijn-anwb-ideal-nl.info>, <mijn-anwb-ideal-portaal-nl.info>, <mijn-anwb-ideal-portal-nl.info>, <mijnanwb-nl.xyz>, <mijnfactuur-anwb-nl.xyz>, <mijnlidmaatschap-anwb-nl.xyz>, <nl-mijnanwb.xyz>, <openstaandefactuur-anwb-nl.xyz>, <openstaandefactuur-anwb.xyz>, <www-anwb-betalomgeving-nl.info>, <www-anwb-klanten-factuur-nl.info> and <www-mijn-anwb-overzicht-nl.info> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: November 16, 2022