

ADMINISTRATIVE PANEL DECISION

Veja Fair Trade v. Savage, Qiu Xiaofeng, zhang qiang, Weston, Shannon Hope, Leon Shepherd, Henry, Sophia Harding, Michael Farber, Brandon Todd, Corey Pearce, Dylan Middleton, Alicia Baxter, Harriet Rahman, Arnold, Logan Boyle, Lucas Harding, Mohammad Atkinson, Peter Dennis, Jay Dawson, Aimee Francis, Max Robson
Case No. D2024-5292

1. The Parties

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

The Respondents are Savage, Norway, Qiu Xiaofeng, China, zhang qiang, China, Weston, Mexico, Shannon Hope, Norway, Leon Shepherd, Spain, Henry, Mexico, Sophia Harding, Italy, Michael Farber, Germany, Brandon Todd, Spain, Corey Pearce, Norway, Dylan Middleton, Germany, Alicia Baxter, Germany, Harriet Rahman, Spain, Arnold, Spain, Logan Boyle, Italy, Lucas Harding, Spain, Mohammad Atkinson, Spain, Peter Dennis, Spain, Jay Dawson, Norway, Aimee Francis, Italy, and Max Robson, Spain.

2. The Domain Names and Registrar

The disputed domain names <vejaathensgreece.net>, <vejabelgique.com>, <vejabelgique.net>, <vejabelgium.com>, <vejacipo.com>, <vejadanmark.net>, <vejafemme.com>, <vejamexicocity.com>, <vejamexicoofficial.com>, <vejanorge.com>, <vejanorge.net>, <vejaoutlet.net>, <vejapatike.net>, <vejaperu.net>, <vejaromania.net>, <vejaschweiz.com>, <vejashoes-ireland.com>, <vejashoeskuwait.com>, <vejashoesuk.com>, <vejaslovenia.com>, <vejasneakerscanada.net>, <vejasouthafrica.net>, <vejauae.net>, <vejauk.net>, <vejauruguay.net>, <vejazapatoscolombia.net>, and <vejazürich.com> [xn--vejazrich-u9a.com] are registered with Paknic (Private) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 27, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Whois Agent, Web Domains By Proxy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 2, 2025 with the registrant and contact information of nominally multiple underlying

registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on January 7, 2025.

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 Respondents of the Complaint, and the proceedings commenced on January 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 30, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on January 31, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on February 5, 2025. 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. The company was founded in 2005 and ever since designs, produces, and sells environmentally friendly sneakers and other footwear under the VEJA marks. The company is mainly offering its products online throughout its official website <veja-store.com> but also via stores and retailers located worldwide.

The Complainant owns an international trademark portfolio for the VEJA marks, 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. The Complainant also has a strong online presence, including via its presence on social media platforms.

The disputed domain names were registered between July 19, 2022 and January 31, 2024, and are therefore of later dates than the Complainant's abovementioned registered trademarks. The Complainant provides evidence that on the date of the Complaint, the disputed domain names all directed to online stores purportedly selling VEJA branded products at purported discounted prices. However, on the date of this Decision, certain of the disputed domain names direct to inactive webpages (namely <vejabelgique.com>, <vejaoutlet.net>, <vejapatike.net>, <vejaperu.net>, <vejashoeskuwait.com>, and <vejasouthafrica.net>).

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 names.

Notably, the Complainant contends that it is the owner of a number of registered trademarks consisting of VEJA and that it has a strong reputation for the products under this trademark. The Complainant asserts that the disputed domain names are confusingly similar to the abovementioned trademarks since they each incorporate such trademarks with the mere addition of generic terms and that the Respondents used the

disputed domain names by offering counterfeit products through online shops, thereby prominently using the Complainant's marks and product images and offering such alleged counterfeit products at discounted prices for commercial gain. The Complainant argues that this should be considered an intent on behalf of the Respondents to, for commercial gain, mislead Internet users into believing that the websites linked to the disputed domain names are somehow connected with the Complainant, and to divert Internet users looking for the Complainant's products to the Respondents' websites. The Complainant essentially alleges that in these circumstances, the Respondents have no rights or legitimate interests in the disputed domain names, which, it argues, were registered and are used in bad faith.

The Complainant requests the transfer of the disputed domain names.

B. Respondents

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

6. Discussion and Findings

I. Preliminary Issue: Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that all disputed domain names have been registered with the same proxy Whois details; all disputed domain names have been registered with the same Registrar; on the date of the Complaint, all disputed domain names were pointing to identical or substantially similar websites aiming to sell products allegedly being counterfeits of the Complainant's VEJA-branded products; all disputed domain names as well as their related websites were targeting the Complainant's well-known VEJA trademark; and all disputed domain names were registered in a similar naming structure, i.e. the mark VEJA combined with a descriptive terms/names which refer to the Complainant's products and/or targeted geographic locations, thereby exposing a clear pattern. On the basis of these elements, the Panel accepts that the disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

II. Substantive Matters

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 trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

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

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are 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 names. 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 names such as those enumerated in the Policy or otherwise.

Moreover, upon review of the facts and evidence, the Panel notes that the Respondent has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Instead, upon review of the facts and the evidence submitted in this proceeding, the Panel notes that the disputed domain names directed to active websites prominently displaying the Complainant's trademarks and product images and offered for sale products which were purported to be the Complainant's products, thereby misleading consumers into believing that the Respondent is at least licensed by, or affiliated with the Complainant and/or its trademarks. The websites also did not display any accurate and prominent disclaimers regarding the lack of relationship between the Complainant and the Respondent. It is clear to the Panel from the foregoing elements that the Respondent could not be considered a good faith provider of goods or services under the disputed domain names, see also *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Given the abovementioned elements, the Panel concludes that the Respondent's use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names.

The Panel also takes into consideration that panels applying the Policy have consistently held that the use of a domain name for illegal activity, here, claimed sale of suspected counterfeit goods and impersonation/passing, off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Finally, the Panel notes that on the date of this Decision, certain of the disputed domain names direct to inactive webpages (namely <vejabelgique.com>, <vejaoutlet.net>, <vejapatike.net>, <vejaperu.net>, <vejashoeskuwait.com>, and <vejasouthafrica.net>). In this regard, the Panel finds that holding those domain names passively, without making any use of them, also does not confer any rights or legitimate interests in the disputed domain names on the Respondent in the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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.

Given the longstanding trademark registration of the Complainant's prior registered trademarks, the Panel finds that the subsequent registration of the disputed domain names, which are confusingly similar to such marks, clearly and consciously targeted the Complainant's prior registered trademarks. The Panel also notes that the Complainant's trademarks were held to be well-known trademarks by previous panels applying the Policy, see for instance *Veja Fair Trade, Sarl v. Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2022-1478](#). The Panel therefore deduces from the Respondent's efforts to consciously target the Complainant's prior well-known trademarks that the Respondent knew of the existence of the Complainant's trademarks at the time of registering the disputed domain names. This finding is further confirmed by the fact that the websites linked to the disputed domain names displayed the Complainant's trademarks and product images likely protected by copyright and purportedly offered for sale the Complainant's products, since this proves that the Respondent was fully aware of the Complainant's business and its prior trademarks. In the Panel's view, the foregoing elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the disputed domain names directed to active websites which showed a clear intent on the part of the Respondent to create a likelihood confusion with the Complainant for commercial gain, and purportedly offering the Complainant's products for sale. The Panel concludes from these facts that the Respondent is intentionally attracting Internet users for commercial gain to such websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. The Panel therefore finds that it has been demonstrated that the Respondent has used, and is using the disputed domain names in bad faith.

However, the Panel notes that on the date of this Decision, certain disputed domain names (namely <vejabelgique.com>, <vejaoutlet.net>, <vejapatike.net>, <vejaperu.net>, <vejashoeskuwait.com>, and <vejasouthafrica.net>) direct to inactive webpages. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the strong reputation of the Complainant's trademarks, the composition and use made of the disputed domain names by the Respondent, and the unlikelihood of any future good faith use of the disputed domain names by the Respondent, and finds that in the circumstances of this case the passive holding of those disputed domain names does not prevent a finding of bad faith under the Policy.

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 names <vejaathensgreece.net>, <vejabelgique.com>, <vejabelgique.net>, <vejabelgium.com>, <vejacipo.com>, <vejadanmark.net>, <vejafemme.com>, <vejamexicocity.com>, <vejamexicoofficial.com>, <vejanorge.com>, <vejanorge.net>, <vejaoutlet.net>, <vejapatike.net>, <vejaperu.net>, <vejaromania.net>, <vejaschweiz.com>, <vejashoes-ireland.com>, <vejashoeskuwait.com>, <vejashoesuk.com>, <vejaslovenia.com>, <vejasneakerscanada.net>, <vejasouthafrica.net>, <vejauae.net>, <vejauk.net>, <vejauruguay.net>, <vejazapatoscolombia.net> and <vezazürich.com> [xn--vezazrich-u9a.com] be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: February 14, 2025