

ADMINISTRATIVE PANEL DECISION

Action Holding B.V. v. Name Redacted

Case No. D2025-0828

1. The Parties

The Complainant is Action Holding B.V., Netherlands (Kingdom of the), represented by Novagraaf Nederland B.V., Netherlands (Kingdom of the).

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <groupe-action.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 27, 2025. On February 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Whois Privacy Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 2025, 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 March 3, 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”).

¹The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. On March 26, 2025, the Center received an email from a third-party authorized representative alleging the identity theft in the registration of the disputed domain name and requested an extension for the Response. On March 27, 2025, the Center granted the automatic four calendar day extension for the Response and the due date for the Response was changed to April 1, 2025.

On March 31, 2025, the third-party authorized representative submitted observations. The Respondent did not submit any response. Accordingly, the Center notified the commencement of panel appointment process on April 2, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on April 7, 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. Identity of Respondent

The third-party authorized representative has submitted evidence, to the satisfaction of the Panel, that the registration details provided for the disputed domain name comprised the misspelled name, outdated company address and false telephone number of a living individual. The Panel is satisfied that the individual in question was never the registrant or beneficial holder of the disputed domain name and is not the proper Respondent in this proceeding, the true identity of which remains unknown.

5. Factual Background

The Complainant is a company based in the Netherlands (Kingdom of the). It operates discount retail stores under the name and mark ACTION, offering affordable household items, groceries, beauty products, toys and seasonal items. The Complainant conducts business in several European countries.

The Complainant is the owner of over 70 registrations for the trademark ACTION, including for example European Union trademark registration number 011510575 for the word mark ACTION, registered on July 2, 2015, in International Classes 16, 21, and 35.

The Complainant operates a website at "www.action.com".

The disputed domain was registered on December 12, 2024.

The disputed domain name has redirected to the Complainant's own website at "www.action.com".

6. 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 name.

The Complainant submits that the disputed domain name is confusingly similar to its ACTION trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its ACTION trademark, that the Respondent has not commonly been known by the disputed domain name and

that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It relies on the fact that the disputed domain name has been set to resolve to its own website as evidence of such bad-faith intent. The Complainant also exhibits an email from "[...].@groupe-action.com", referring to Action Group as a leading retailer and requesting credit against future stock orders. The Complainant submits that the email is evidence of "phishing", based on the disputed domain name having been used to confuse Internet users into believing it must be associated with the Complainant.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

7. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights for the mark ACTION. The disputed domain name wholly incorporates that mark, preceded by the term "groupe" and a hyphen, neither of which prevent the Complainant's mark from being recognizable within the disputed domain name.

The Panel therefore find that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Complainant has established moreover that the Respondent has used the disputed domain name for the purpose of a fraudulent scheme (see below), which use cannot give rise to rights or legitimate interests in the disputed domain name on the Respondent's part.

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

C. Registered and Used in Bad Faith

The Complainant has demonstrated that the Respondent provided false contact details (i.e., those of another individual) on registering the disputed domain name, has redirected the disputed domain name to the Complainant's own website, and has engaged in sending fraudulent emails from the disputed domain name, aimed at obtaining financial credit from third parties. It is clear from the linking of the disputed domain name to the Complainant's own website, together with the "phishing" emails, that the Respondent intended to target the Complainant's ACTION trademark, and the Panel can therefore conclude only that the disputed domain name was registered and has been used in bad faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

8. 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 name <groupe-action.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: April 21, 2025