

ADMINISTRATIVE PANEL DECISION

Colibri SAS v. Milen Radumilo

Case No. D2022-1027

1. The Parties

The Complainant is Colibri SAS, France, represented by DBK – Société d’avocats, France.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <manomano.org> is registered with Deschutesdomains.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 24, 2022. On March 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 1, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 1, 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 April 1, 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 April 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 26, 2022.

The Center appointed Charles Gielen as the sole panelist in this matter on May 3, 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 specialized in online business of so-called “do it yourself” as well as home improvement and gardening products. The company was created in 2013 and since 2015 the company became known under the name “ManoMano” and is now the European leader in the online “do it yourself” as well as home and garden business. The Complainant is the owner of numerous trademark registrations for MANOMANO such as European Union Trademark registration No. 014108252 registered on October 6, 2015 in classes 35, 36 and 38 and European Trademark registration No. 017978803 registered on March 22, 2019 in classes 9 and 35. Furthermore, the Complainant holds several domain names, such as <manomano.fr>, registered in 2015 and <manomano.com>, registered in 2002, both incorporating the trademark MANOMANO.

The disputed domain name <manomano.org> was registered on June 14, 2019 and redirects to the French website of the Complainant “www.manomano.fr” offering different products depending on the moment of connection.

5. Parties’ Contentions

A. Complainant

The Complainant contends it is one of the largest company offering “do it yourself” and home and gardening online products. With over 3,600 seller partners and 10 million products, the Complainant currently employs 800 people and operates in 6 markets, being France, Belgium, Spain, Italy, Germany and the United Kingdom. The Complainant is now particularly known through Europe under its trading name “ManoMano” that has acquired a certain notoriety since its creation. The online platform of the Complainant now attracts 50 million visitors per month and there are currently 7 million active customers.

The Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trademark, since the disputed domain name reproduces the trademark MANOMANO in its entirety.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant gives the following reasons for this. The Complainant has never authorized the Respondent to register and/or use any domain name incorporating the trademarks MANOMANO. Nor has the Complainant granted any license, or any authorization to use this trademark. Furthermore, the disputed domain name is leading to a website redirecting to the website “www.manomano.fr” of the Complainant. Therefore, the disputed domain name will result in confusion and deception, as it falsely suggests that it is the website of the Complainant and that the Complainant delivers any products and services provided thereunder. It follows that the disputed domain name is not used in connection with a *bona fide* offering of goods and services.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith and several reasons are given for this argument.

First, it is unquestionable that the Complainant’s trademark registrations predate the registration of the disputed domain name. Because the trademark MANOMANO is well-known in several countries in Europe in connection with “do it yourself” and home and garden products, the choice of the disputed domain name does not seem to be a mere coincidence. On the contrary, the choice seems to have been made on purpose to generate a likelihood of confusion with the trademark of the Complainant.

Second, the Complainant argues that by redirecting Internet users to the Complainant’s website, the Respondent’s actions admit an awareness of the Complainant’s trademark and business in Europe when registering the disputed domain name. This redirection therefore results in confusion with the products and services of the Complainant. According to the Complainant, the Respondent has intentionally targeted the Complainant’s trademark in order to divert Internet users seeking the Complainant’s website for purposes of

monetary gain. The Respondent registered and is using the disputed domain name with the intention of selling it to the Complainant or a competitor, or to prevent the owner of the trademark from reflecting the trademark in a corresponding domain name.

Third, the Respondent is a repeat offender who regularly registers and uses in bad faith domain names that are confusingly similar to the trademarks and service marks of others. There have been in excess of 80 decisions against him under the Policy. This behavior has been pointed out in several WIPO UDRP panel decisions (For example *American Airlines, Inc. v. Super Privacy Service LTD c/o Dynadot Milen Radumilo*, WIPO Case No. [D2021-1242](#); *Novartis AG v. Contact Privacy Inc. Customer 0155846167/ Milen Radumilo*, WIPO Case No. [D2021-1881](#) and *Littlethings, Inc. v. Milen Radumilo*, WIPO Case No. [D2017-0745](#)).

Therefore, the Respondent's habitual and recidivist behavior is an additional element proving the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

The Panel is of the opinion that the Complainant's contentions are reasoned and that the disputed domain name should be transferred to the Complainant pursuant to the Policy.

A. Identical or Confusingly Similar

The Complainant proves that it has rights in the trademark MANOMANO based on several trademark registrations. The term "manomano" in the disputed domain name is identical to this trademark. The generic Top-Level Domain ("gTLD") ".org" does not change the finding that the disputed domain name is confusingly similar, since the gTLD ".org" is understood to be a technical requirement. In making the comparison between the trademark and the disputed domain name, the gTLD, such as ".org", is disregarded. The Panel is of the opinion that applying these principles to this case, the disputed domain name is identical to the trademark.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

B. Rights or Legitimate Interests

The Panel is of the opinion that the Complainant made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

First, the disputed domain name was registered after the Complainant started to use and registered the trademark MANOMANO. The Panel is convinced that the term "manomano" in the disputed domain name has no other meaning except to refer to the Complainant and its businesses, which is proven by the fact that the disputed domain name redirects to the French website of the Complainant. Second, the Complainant has never authorized the Respondent to register and/or use any domain name incorporating the trademark MANOMANO. Nor has the Complainant granted any license, or any authorization to use this trademark. Finally, the Respondent has not come forward claiming any rights or legitimate interests and the Panel does not find so in the present record.

Furthermore, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation (see section 2.5.1 of the [WIPO Overview 3.0](#)).

In view of the aforementioned, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is met.

C. Registered and Used in Bad Faith

The Panel is of the opinion that the disputed domain name was registered and is being used in bad faith.

The main reasons for this conclusion are as follows. First of all the Panel notes that the bad faith intentions of the Respondent clearly follow from his recidivist behavior in registering domain names containing the trademarks of third parties, as appears from the more than 80 decisions rendered under the Policy against him (see for example: *American Airlines, Inc. v. Super Privacy Service LTD c/o Dynadot Milen Radumilo*, WIPO Case No. [D2021-1242](#), *Novartis AG v. Contact Privacy Inc. Customer 0155846167/ Milen Radumilo*, WIPO Case No. [D2021-1881](#) and *Littlethings, Inc. v. Milen Radumilo*, WIPO Case No. [D2017-0745](#)). Second, in this case the Panel finds that by redirecting Internet users to the Complainant's website, the Respondent's actions show an awareness of the Complainant's trademark and business in Europe when registering the disputed domain name. This redirection therefore results in confusion with the products and services of the Complainant. The Panel finds that the Respondent has intentionally targeted the Complainant's trademark in order to divert Internet users seeking the Complainant's website for purposes of monetary gain.

The Panel therefore considers the requirement of paragraph 4(a)(iii) of the Policy to be met.

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 name <manomano.org> be transferred to the Complainant.

/Charles Gielen/

Charles Gielen

Sole Panelist

Date: May 14, 2022