

ADMINISTRATIVE PANEL DECISION

Karl Lagerfeld B.V. v. Xiumei Han
Case No. D2022-4832

1. The Parties

Complainant is Karl Lagerfeld B.V., Netherlands, represented by Novagraaf Nederland B.V., Netherlands.

Respondent is Xiumei Han, China.

2. The Domain Name and Registrar

The disputed domain name <karllagr.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 16, 2022. On December 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 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 Complainant on December 21, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 22, 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 Respondent of the Complaint, and the proceedings commenced on December 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 24, 2023.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on January 30, 2023. 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

Complainant is a company organized under the laws of the Netherlands that is active in the fashion industry.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand KARL LAGERFELD, including, but not limited to the following:

- word mark KARL LAGERFELD, International trademark registration including in China, registration number: 1119823, registration date: October 28, 2011, status: active;
- word mark KARL LAGERFELD, European Union trademark registration, registration number: 004451225, registration date: June 14, 2006, status: active.

Moreover, Complainant has demonstrated to enjoy rights in a huge number of domain names relating to its KARL LAGERELD trademark, *inter alia*, since 1996 the domain name <karllagerfeld.com> which resolves to Complainant's main website at "www.karllagerfeld.com", promoting Complainant's fashion products and related services worldwide.

Respondent, according to the disclosed Whois information for the disputed domain name, is located in China and registered the disputed domain name on December 28, 2021. By the time of rendering this decision, the disputed domain name does not resolve to any content on the Internet. Complainant, however, has demonstrated that at some point before the filing of the Complaint, the disputed domain name resolved to a website imitating the lay-out and style of Complainant's official website, thereby headed "Karl Lagerfeld", displaying fashion products (e.g. clothing and accessories) at "Promo" prices and referencing the name "Karl Lagerfeld" several times.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends to be a renowned high-end fashion company with 200 mono brand stores throughout the world, operating in the legacy of the late and very famous fashion designer Karl Lagerfeld, and that its KARL LAGERFELD trademark is well-known in many countries and embodies substantial goodwill worldwide.

Complainant submits that the disputed domain name is phonetically, visually and conceptually, thus, confusingly similar to its KARL LAGERFELD trademark, as it contains the element "Karl" followed by an abbreviation of the element "Lagerfeld". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent has no relationship with Complainant or its KARL LAGERFELD trademark, (2) Complainant did not give its consent to Respondent to use and/or refer to the KARL LAGERFELD trademark in domain names or for any other purpose, and (3) the disputed domain name is not freely accessible as most firewalls detect a direct risk when reaching out to it. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) given the significant reputation of Complainant's KARL LAGERFELD trademark, it is inconceivable that Respondent was not aware of the same at the time of registering the disputed domain name, and (2) the layout of the website under the disputed domain name is nearly identical to the layout and style of Complainant's official website, and offering clothing and accessories thereunder supports the suggestion of connection between Complainant and Respondent which in fact is non-existent.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name is confusingly similar to the KARL LAGERFELD trademark in which Complainant has rights.

The disputed domain name incorporates substantial parts of the KARL LAGERFELD trademark, e.g. the name "Karl" in full and the surname "Lagerfeld" in a misspelled/typo-squatted version by exchanging the letter "e" in "Lager" for the letter "f" and omitting the last part "feld". Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, 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 trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, the fact that the disputed domain name obviously includes an intentional misspelling of Complainant's KARL LAGERFELD trademark is not at all inconsistent with such finding of confusing similarity. Typo-squatted domain names are, on the contrary, intended to be confusing so that Internet users, who unwittingly make common type errors, will enter the typo-squatted domain name instead of the correct spelled trademark (see e.g., *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)). Accordingly, UDRP panels agree that domain names which consist e.g. of an intentional misspelling of a trademark are considered to be confusingly similar under the UDRP (see [WIPO Overview 3.0](#), section 1.9).

Therefore, Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name, nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent apparently has neither been granted a license nor has it been otherwise authorized by Complainant to use its KARL LAGERFELD trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the name "Karl Lagerfeld" on its own. To the contrary, Respondent, at some point before the filing of the Complaint, was running a website under the disputed domain name imitating the lay-out and style of Complainant's official website, thereby headed "Karl Lagerfeld", displaying fashion products (e.g. clothing and accessories) at "Promo" prices and referencing the name "Karl Lagerfeld" several times without any authorization to do so. Such making use of the disputed domain name neither qualifies as *bona fide* nor as legitimate noncommercial or fair within the meaning of the Policy.

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in respect of in the disputed domain name. Now, the burden of production shifts to Respondent to come forward with appropriate allegations or evidence demonstrating such rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent has defaulted, Respondent has not met that burden.

The Panel, therefore, finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

Resolving the disputed domain name, which includes Complainant's undisputedly well-known KARL LAGERFELD trademark in a typo-squatted version, to a website imitating the lay-out and style of Complainant's official website, thereby headed "Karl Lagerfeld", displaying fashion products (e.g. clothing and accessories) at "Promo" prices and referencing the name "Karl Lagerfeld" several times without any authorization to do so, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusing with Complainant's KARL LAGERFELD trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name since, according to the email correspondence between the Center and the postal courier DHL, the Written Notice on the Notification of Complaint dated December 27, 2022, could not be delivered. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding.

Therefore, the Panel concludes that Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

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 <karllagfr.com> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: February 13, 2023