

## ADMINISTRATIVE PANEL DECISION

SEB S.A. v. 于青青 (yu qing qing)

Case No. D2024-2124

### 1. The Parties

The Complainant is SEB S.A., France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 于青青 (yu qing qing), China.

### 2. The Domain Name and Registrar

The disputed domain name <groupeseb.info> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 23, 2024. On May 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On May 29, 2024 the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On May 30, 2024, the Complainant requested English to be the language of the proceeding and submitted an amended Complaint in English. The Respondent did not submit any comment on the Complainant's submission.

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 June 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 26, 2024.

The Center appointed Jacob Changjie Chen as the sole panelist in this matter on July 3, 2024. 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, based in France, is a worldwide reference in small domestic appliances, including kitchen electric goods, home and personal care together with cookware products. The Complainant claims to have 33,000 employees and a presence across 150 countries, maintaining 40 industrial sites along with 1,300 retail stores, and holding over 400 patents. In 2021, the Complainant reported sales of EUR 8,059 million and net income of EUR 454 million.

The Complainant holds numerous registrations of GROUPE SEB trademark, including No. 3374966 French trademark, registered on February 8, 2005; No. 894757 International trademark, registered on January 26, 2006; No. 00800894757 the United Kingdom trademark, registered on August 6, 2007; No. 37043768 Chinese trademark, registered on April 21, 2020.

The Complainant also owns domain name incorporating its GROUPE SEB trademark, <groupeseb.com>, registered on May 1, 1996, and has been resolving the domain name as its official website.

According to the information disclosed by the Registrar, the Respondent is 于青青 (yu qing qing), located in China.

The disputed domain name <groupeseb.info> was registered on March 1, 2024. The disputed domain name resolves to a website offering the disputed domain name for sale.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is identical to its GROUPE SEB trademark. The disputed domain name consists solely of the Complainant's GROUPE SEB trademark. The generic Top-Level Domain ("gTLD") ".info" is disregarded under the first element confusing similarity test. Thus, the disputed domain name is identical to the Complainant's GROUPE SEB trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no relationship with the Complainant, and the Complainant has not licensed or otherwise permitted the Respondent to use the GROUPE SEB trademark or to register a domain name incorporating this trademark. The Respondent is not commonly known by the disputed domain name. The disputed domain name redirects to a website offering the disputed domain name for sale, which serves as further evidence of Respondent's lack of rights and legitimate interests.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Complainant and its GROUPE SEB trademark has gained a high reputation worldwide. The Respondent should have awareness of the Complainant and its GROUPE SEB trademark when registering the disputed domain name. The Respondent offers the disputed domain name for sale, which demonstrates the Respondent's intention to sell, rent, or otherwise transfer the disputed domain name for valuable consideration in excess of the out-of-pocket expenses. Moreover, where the disputed domain name is identical to Complainant's trademark and its official domain name, there is no plausible good-faith reason or

logic for Respondent to have registered the disputed domain name. In addition, the Respondent was previously involved in several domain name disputes which provides evidence of the pattern of cybersquatting in which the Respondent is engaging.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that: 1) the Complainant is unable to communicate in Chinese, and using Chinese as language of the proceeding would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter; 2) the disputed domain name is comprised of Latin characters, indicating that the Respondent is able to understand English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **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 name. [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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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 name. 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 name such as those enumerated in the Policy or otherwise.

The disputed domain name resolves to a website offering the disputed domain name for sale. Such use of the disputed domain name cannot be deemed as a bona fide offering of goods or services, or a legitimate noncommercial or fair use.

In addition, the nature of the disputed domain name, solely comprising the Complainant’s GROUPE SEB trademark, carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that the disputed domain name was registered far after the Complainant’s registrations of the GROUPE SEB trademark. According to the Complainant’s evidence, the Panel accepts that the Complainant and its GROUPE SEB trademark have gained a certain degree of reputation and recognition among relevant consumers worldwide. Thus, the Panel views that the Respondent should have been aware of the Complainant and the GROUPE SEB trademark.

The Respondent resolves the disputed domain name to a website offering the disputed domain name for sale, indicating the Respondent’s intention to sell the disputed domain name for valuable consideration in excess of the Respondent’s costs related to the disputed domain name.

In addition, according to the Complainant’s evidence, the Respondent has been involved in several domain name disputes where the Respondent used other third parties’ trademarks to register domain names at disputes, and the domain names at disputes were ordered to be transferred to corresponding complainants. For example, see *Laboratoires Expanscience v. 于青青 (Yu Qing Qing)*, WIPO Case No. [D2023-5312](#), *MONABANQ v. 于青青 (yu qing qing)*, WIPO Case No. [D2023-5090](#), *Boehringer Ingelheim Animal Health France v. 于青青 (yu qing qing)*, WIPO Case No. [D2023-4772](#), *Boehringer Ingelheim International GmbH v. 于青青 (yu qing qing)*, WIPO Case No. [D2023-4774](#), *Boehringer Ingelheim Pharma GmbH & Co KG v. 于青青 (yu qing qing)*, WIPO Case No. [D2023-4775](#). Given that, the Panel views that the Respondent has illustrated a pattern of conduct of preventing a trademark holder from reflecting its mark in a domain name, which further proves the bad faith of the Respondent.

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 name <groupeseb.info> be transferred to the Complainant.

*/Jacob Changjie Chen/*

**Jacob Changjie Chen**

Sole Panelist

Date: July 17, 2024