

ADMINISTRATIVE PANEL DECISION

Nudie Jeans Co Aktiebolag v. Mario Reese (ReeseMario), Schwartz Tanja, Schrbder Maximilian, Nadel Kaiser, Biermann Sebastian, and Felix Dresn
Case No. D2024-5038

1. The Parties

The Complainant is Nudie Jeans Co Aktiebolag, Sweden, represented by Zacco Sweden AB, Sweden.

The Respondents are Mario Reese (ReeseMario), United States of America (the “United States”), Schwartz Tanja, Germany, Schrbder Maximilian, Germany, Nadel Kaiser, Germany, Biermann Sebastian, Germany, and Felix Dresn, France.

2. The Domain Names and Registrars

The Domain Names <nudiejeans-amsterdam.com>, <nudiejeansgoteborg.com>, <nudiejeansirelandie.com>, are registered with Hosting Concepts B.V. d/b/a Registrar.eu, the Domain Names <nudiejeansat.com> and <nudiejeanzurich.com> are registered with Key-Systems GmbH, the Domain Names <nudiejeanscanadasale.com> and <nudiejeanssingaporeoutlet.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com, the Domain Names <nudiejeansindia.in> and <nudiejeansnewzealand.com> are registered with 1API GmbH, and the Domain Name <nudiejeansbarcelona.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 6, 2024. On December 6, 2024, the Center transmitted by email to the Registrars requests for registrar verification in connection with the Domain Names. On December 6, 7, 9, and 10, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy / Mario Reese) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 13, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the 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 amendment to the Complaint on December 16, 2024.

The Center verified that the Complaint together with the amendment to the 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 December 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondent’s default on January 7, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on January 10, 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

Complainant is a Swedish company founded in 2001 active in the field of denim products. Complainant has a global presence throughout more than 30 stores, 50 resellers and 15 repair partners, across the world including North America, Europe, Oceania, and Asia. Complainant maintains its official website at “www.nudiejeans.com” where Complainant is also offering its products to its customers online.

Complainant is the owner of several trademarks for NUDIE and NUDIE JEANS, including inter alia, the European Union trademark registration No. 002256998, NUDIE (word), registered on December 18, 2002 for goods in international classes 18 and 25, and the United States trademark registration No. 3730005, NUDIE JEANS (word), registered on December 22, 2009 for goods in international class 25.

Furthermore, the Complainant owns NUDIE JEANS domain names, including <nudiejeans.com>.

The Domain Names were registered as follows:

<nudiejeanscanadasale.com>, registered August 27, 2024, time: 08:04;
<nudiejeanssingaporeoutlet.com>, registered August 27, 2024, time: 08:04;
<nudiejeansnewzealand.com>, registered August 27, 2024, time: 08:07;
<nudiejeansindiain.com>, registered August 27, 2024, time: 08:08;
<nudiejeansirelandie.com>, registered August 27, 2024, time: 08:12;
<nudiejeanzurich.com>, registered September 3, 2024, time: 06:32;
<nudiejeansat.com>, registered September 3, 2024, time: 06:32;
<nudiejeansbarcelona.com>, registered September 3, 2025, time: 00:00;
<nudiejeans-amsterdam.com>, registered September 5, 2024, time: 02:42;
<nudiejeansgoteborg.com>, registered September 5, 2024, time: 02:43.

The Domain Names lead at the time of filing of the Complaint to almost identical websites (the “Websites”), with differences merely in the relevant language, all mimicking the website of Complainant and prominently displaying Complainant’s trademarks, incorporating copyrighted images of Complainant and offering for sale clothes which looked like Complainant’s genuine products.

Currently, all Domain Names, apart from <nudiejeansirelandie.com>, <nudiejeans-amsterdam.com>, and <nudiejeanzurich.com>, lead to inactive or blocked Websites.

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 Domain Names.

B. Respondents

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and

(iii) the Domain Name has been registered or is being used in bad faith.

Consolidation: Multiple Respondents

The amendment to Complaint was filed in relation to nominally different Respondents. The Complainant alleges that registrants of the Domain Names are the same entity, and the Domain Names are 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 Domain Names 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 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:

- the structure of the Domain Names is similar, namely they all contain Complainant's trademark NUDIE JEANS along with a geographical term;
- each of the Websites linked to the Domain Names were practically identical to that of Complainant;
- the layout and designs of the Websites associated with the Domain Names were nearly identical to each other;
- all Domain Names resolve to geo-restricted Websites that are only accessible from the country indicated in each Domain Name;
- all Domain Names were registered within a short timeframe, some even on the same day around the same

time;

- similarities exist in Registrars as well as the usage of name servers (Cloudflare or Openprovider);
- some of the Respondents are connected to faulty addresses which correspond to individuals in Germany.

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 Domain Names registrants (referred to below as “the Respondent”) in a single proceeding.

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 Panel finds the mark is recognizable within the Domain Names. Accordingly, the Domain Names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)). [WIPO Overview 3.0](#), section 1.11.1.

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 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 Domain Names such as those enumerated in the Policy or otherwise.

On the contrary, as the Complainant demonstrated, the Domain Names resolved to the Websites, which featured Complainant’s trademark and suggested falsely that they were those of the Complainant or an affiliated entity or an authorized partner of Complainant.

A distributor or reseller can be making a bona fide offering of goods and thus have a legitimate interest in a domain name only if the following cumulative requirements are met (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); [WIPO Overview 3.0](#), section 2.8.1): (i) respondent must actually be offering the goods at issue; (ii) respondent must use the site to sell only the trademarked goods; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) respondent must not try to "corner the market" in domain names that reflect the trademark.)

These requirements are not cumulatively fulfilled in the present case. The composition of the Domain Names falsely suggests that the Websites are official sites of the Complainant, or of an entity affiliated to, or endorsed by Complainant. [WIPO Overview 3.0](#), section 2.5.1. At the time of filing the Complaint, the Websites extensively reproduced, without authorization by Complainant, Complainant's trademark and logos, without any disclaimer of association (or lack thereof) with Complainant.

Per Complaint, the Respondent is not an affiliated entity or an authorised distributor or reseller of Complainant and no agreement, express or otherwise, exists allowing the use of Complainant's trademarks on the Websites and the use of the Domain Names by the Respondent.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel concludes that Respondent has registered and used the Domain Names in bad faith. Because the NUDIE JEANS mark had been widely used and registered by the Complainant at the time of the Domain Names registrations by the Respondent, the Panel finds it more likely than not that the Respondent had the Complainant's mark in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

As regards bad faith use of the Domain Names, the Complainant has demonstrated that the Domain Names were used to create the Websites which prominently displayed the Complainant's registered trademarks and logos thereby giving the false impression that they are operated by the Complainant, or a company affiliated to the Complainant, or an authorised dealer of the Complainant. The Domain Names operated therefore by intentionally creating a likelihood of confusion with the Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the Websites they resolved to. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4).

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record,

the Panel finds the Respondent's registration and use of the Domain Names constitutes bad faith under the Policy.

Panels have also found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes, the distinctiveness or reputation of the Complainant's trademark, and the composition of the Domain Names, all of which reproduce the Complainant's trademark in its entirety, and finds that in the circumstances of this case the passive holding of some of the 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 Domain Names <nudiejeans-amsterdam.com>, <nudiejeansat.com>, <nudiejeansbarcelona.com>, <nudiejeanscanadasale.com>, <nudiejeansgoteborg.com>, <nudiejeansindiain.com>, <nudiejeansirelandie.com>, <nudiejeansnewzealand.com>, <nudiejeanssingaporeoutlet.com>, and <nudiejeanzurich.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: January 24, 2025