

## **ADMINISTRATIVE PANEL DECISION**

LEKI Lenhart GmbH v. Dickinson V Lizzie, Lizzie Dickinson V  
Case No. D2025-0133

### **1. The Parties**

The Complainant is LEKI Lenhart GmbH, Germany, represented by Isler & Pedrazzini AG, Switzerland.

The Respondent is Dickinson V Lizzie, Lizzie Dickinson V, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <lekiweb.com> is registered with CNOBIN Information Technology Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 14, 2025. On January 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 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 the first amended Complaint on January 30, 2025 and the second amended Complaint on February 3, 2025.

The Center verified that the Complaint together with the amended Complaints 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 February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 3, 2025.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on March 6, 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**

The Complainant is a German company specializing in the production of sports equipment. The Complainant is holding and using the following trademarks:

- International Registration No. 1564905 for LEKI (device mark), registered on October 1, 2020 for goods in classes 18, 25, and 28;
- International Registration No. 1221913 for LEKI, registered on August 15, 2014 for goods in classes 18, 25, and 28;
- Hong Kong, China Registration No. 302994300 for LEKI, registered on May 13, 2014 for goods in classes 4, 18, and 28.

The Complainant operates under the official website “www.leki.com”.

The disputed domain name was registered on December 12, 2024. According to the Complainant, the website under the disputed domain name mimicking the Complainant’s official website is only accessible by modifying the HTTP Headers (User Agent) to simulate a mobile device. The Complainant attempted to purchase products under LEKI trademarks, offered on the website to which the disputed domain name directs. However, those attempts were unsuccessful, as payments failed with an error message prompting users to retry with different credentials, including another credit card.

#### **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 disputed domain name.

Notably, the Complainant contends that:

- (1) The disputed domain name is identical or confusingly similar to the Complainant’s LEKI trademark. The disputed domain name incorporates the protected trademark LEKI and adds the merely descriptive term “web”. As “leki” is the distinctive part of the disputed domain name, a danger of confusion cannot be avoided.
- (2) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The use of the disputed domain name does not refer to a different business, but to the business field with poles, gloves, and clothing that the Complainant is known for. In particular, there is no reason for fair use that would legitimate the Respondent’s use of LEKI.
- (3) The disputed domain name has been registered and is being used in bad faith by the Respondent. The Respondent is trying to collect credit card information for misuse and is not really interested in offering trademarked goods. The website under the disputed domain name is referring to fake LEKI products and is also using the combined word/device mark of the Complainant. The Respondent is using the good reputation of the Complainant as a renowned manufacturer of sports goods. The Respondent has already registered other domain names infringing marks of third party rightsholders.

The Complainant asks the disputed domain name to be transferred.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, the panel's decision shall be based upon the complaint.

However, even if the Respondent has not formally replied to the Complainant's contentions, the Complainant still bears the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

### **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 mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of the LEKI mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The trademark LEKI is reproduced in its entirety in the disputed domain name. Although the addition of other terms, here "web", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is confusingly similar to the Complainant's LEKI mark under the Policy, as further supported by [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain “.com” in the disputed domain name should be viewed as a standard registration requirement and disregarded. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that 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.

The Complainant has made out a prima facie case showing that the Respondent has no rights or legitimate interests in the disputed domain name, notably by demonstrating rights in the LEKI trademark, which precede the Respondent’s registration of the disputed domain name for years.

The case file provides no indication of any legitimate or bona fide use of the disputed domain name that could establish the Respondent’s rights or interests in it. What is more, the case file clearly shows that the Respondent has registered and used the disputed domain name for the purpose of passing itself off as being (connected with) the Complainant by prominently featuring the Complainant’s LEKI figurative trademark at the top of the page on its website, in connection with a website that offers poles, gloves, and clothing bearing the Complainant’s LEKI trademark. As follows from the Complaint – although not explicitly stated in the Complaint – the Complainant has not granted the Respondent permission to use its LEKI trademark. According to the Complainant, they attempted to purchase products from the website associated with the disputed domain name, but were unsuccessful due to payment errors. The Panel determines that such use of the disputed domain name does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

Bearing in mind that the Panel has not found evidence that the Respondent has been commonly known by the disputed domain name, that the Complainant has not licensed, authorized, or permitted the Respondent to register the disputed domain name incorporating the Complainant’s mark, and taking into account the unsuccessful test purchase by the Complainant, and that there is no evidence that the Respondent is sponsored by or legitimately affiliated with the Complainant in any way, the Panel concludes that the Respondent has no rights or legitimate interests related to the disputed domain name.

As such, the Panel finds that the burden of production regarding this element shifts to the Respondent. [WIPO Overview 3.0](#), section 2.1.

The Respondent has not replied to the Complainant’s contentions, claiming any rights or legitimate interests in the disputed domain name. With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

### **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.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. [WIPO Overview 3.0](#), section 4.2.

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.

In the present case, the Panel notes that the Complainant has submitted evidence that the Respondent registered the disputed domain name long after the Complainant registered its LEKI trademark. Given that the Complainant’s trademark has been registered for a long time, it is highly unlikely that the Respondent did not know of the Complainant and its LEKI mark prior to the registration of the disputed domain name.

Furthermore, the Panel is also of the view that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website in terms of paragraph 4(b)(iv) of the Policy. This false impression is created by the incorporation of the Complainant’s LEKI trademark in the disputed domain name, the goods being offered on the website under the Complainant’s LEKI trademark, and the unauthorized featuring of the Complainant’s LEKI trademark in a prominent manner on the website related to the disputed domain name.

In addition, the disputed domain name resolves to a website displaying the Complainant’s LEKI trademark and images from the original Complainant’s website. This clearly demonstrates bad faith as a reasonable person who visited the Respondent’s website was likely to be misled in relation to the source, sponsorship, affiliation, or endorsement of the website and the products purportedly made available for online sale on the website.

The Complainant also provides information about other domain names containing the LEKI trademark, which were linked to an identical website now accessible under the disputed domain name. However, the case file does not contain sufficient evidence to establish that these domain names were registered by the Respondent. As a result, the Panel cannot conclude that the Respondent registered the domain names to prevent the Complainant from reflecting the mark in a corresponding domain name, particularly in the absence of clear evidence of a pattern of such conduct. According to the information presented by the Complainant, the Respondent’s name is associated with at least two other domain name registrations that include trademarks of other well-known brand owners. According to [WIPO Overview 3.0](#), section 3.1.2, a pattern of abuse has also been found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners. Therefore, the Respondent’s other domain name registrations reinforce the Panel’s finding of bad faith.

The Respondent has not participated in these proceedings and has failed to rebut the Complainant’s contentions and to provide any evidence of actual or contemplated good faith use.

Accordingly, 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 <lekiweb.com> be transferred to the Complainant.

*/Ganna Prokhorova/*

**Ganna Prokhorova**

Sole Panelist

Date: March 20, 2025