

## **ADMINISTRATIVE PANEL DECISION**

Deoleo Global, S.A.U. v. bunyamin korkmaz  
Case No. D2025-0264

### **1. The Parties**

The Complainant is Deoleo Global, S.A.U., Spain, represented by Elzaburu SLP, Spain.

The Respondent is bunyamin korkmaz, Türkiye.

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

The disputed domain names <deoleo.net> and <deoleo.org> are registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 23, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 23, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 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 an amended Complaint February 12, 2025.

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 February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 6, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on March 11, 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 multinational food group focused on edible oils, vinegar, sauces and table olives. It sells its products in over 80 countries, has its own plants in Italy and Spain and maintains commercial presence in over 15 countries. According to Nielsen, one of every five bottles of olive oil consumed in the world comes from the Complainant. The Complainant has leading positions not only in Italy and Spain but also in the United States of America, Germany, Canada, Mexico, Netherlands (Kingdom of the), Saudi Arabia and India.

The Complainant is the owner of trademark registrations for DEOLEO including the European Union trademark registration No. 009821117, DEOLEO (word), filed on March 18, 2011, and registered on July 7, 2011, for goods in International classes 29, 30 and 31.

The Complainant promotes its business at “www.deoleo.com”.

The disputed domain names were registered on November 15, 2024. When the Complainant first became aware of the disputed domain names on November 18, 2024, they both redirected to the webpage at Afternic, where the disputed domain names were offered for sale. However, the sale prices were not disclosed on the listings. Instead, interested buyers had to fill out and submit a form. After submitting the form, the Complainant received emails confirming that the sale price for <deoleo.net> was EUR 12,762.44, while the sale price for <deoleo.org> was EUR 12,100.88. The disputed domain names were characterized in this communication as “premium domains” generating higher traffic and being more visible in search results.

After the Complainant sent a cease and desist letter to the Registrar and Afternic on December 3, 2024, the content of both disputed domain names was modified. At the time of filing the Complaint, both disputed domain names lead to pay-per-click (“PPC”) webpages containing links to third-party websites where companies unrelated to the Complainant advertise their products and services.

Currently, the disputed domain names lead to the Registrar’s parking pages.

#### **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 names.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the disputed domain names:

(i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the

Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and

(iii) the disputed domain names have been registered and are being used in bad faith.

#### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 DEOLEO mark is entirely reproduced within the disputed domain names. Accordingly, the disputed domain names are identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domains ("gTLDs") ".net" and ".org" are disregarded, as gTLDs typically do not form part of the comparison under the first element on the grounds that they are generally required for technical reasons. (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#), and [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 disputed 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 disputed domain names such as those enumerated in the Policy or otherwise.

On the contrary, the disputed domain names previously led to a website, where they were being offered for sale for amounts that significantly exceed out-of-pocket expenses. Considering the circumstances of the case including notoriety of the Complainant's trademark, the composition of the disputed domain names, and the lack of a response, the Panel finds on balance that the Respondent targeted the Complainant through the disputed domain names. Furthermore, after the Complainant's cease and desist letter, the disputed domain names were used to host parked pages with PPC links. The Panel finds that it is not unlikely that the Respondent received PPC fees from the linked websites and used the disputed domain names for its own

commercial gain. The use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links trade off the complainant's trademark ([WIPO Overview 3.0](#), section 2.9).

Last, the Panel notes the nature of the disputed domain names, consisting of the Complainant's trademark in its entirety, which carries a high risk of implied affiliation ([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.

Because the DEOLEO mark had been widely used and registered before the disputed domain names registration, and enjoyed reputation, the Panel finds it more likely than not that the Respondent had the Complainant's mark in mind when registering the disputed domain names. Moreover, the reproduction in its entirety of the Complainant's mark in the disputed domain names also suggests that the Respondent was most likely aware of and targeted the Complainant in an attempt to confuse Internet users who were expecting to find the Complainant's website.

Having reviewed the available record, the Panel notes the composition of the disputed domain names, reproducing the Complainant's widely known mark in its entirety, while they were being sold for an amount that exceeds out-of-pocket expenses, and finds that in the circumstances of this case the Respondent, more likely than not, targeted the Complainant and its DEOLEO mark for commercial gain.

Furthermore, the disputed domain names subsequently directed Internet users to pages displaying links to third-party sites, which suggests that, more likely than not, the Respondent received PPC fees from the linked websites that were listed thereon. It has been recognized that the use of another's trademark to generate revenue from Internet advertising can constitute registration and use in bad faith (*McDonald's Corporation v. ZusCom*, WIPO Case No. [D2007-1353](#); *Volkswagen Aktiengesellschaft v. Robert Brodi*, WIPO Case No. [D2015-0299](#); *SAP SE v. Domains by Proxy, LLC / Kamal Karmakar*, WIPO Case No. [D2016-2497](#); [WIPO Overview 3.0](#), section 3.5).

The above, in view of the finding that the Respondent has no rights to or legitimate interests in the disputed domain names, and in the circumstances of the case, indicates bad faith (*Aygaz Anonim Şirketi v. Arthur Cain*, WIPO Case No. [D2014-1206](#); [WIPO Overview 3.0](#), section 3.1).

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 names <deoleo.net> and <deoleo.org> be transferred to the Complainant.

/Marina Perraki/

**Marina Perraki**

Sole Panelist

Date: March 26, 2025