

## **ADMINISTRATIVE PANEL DECISION**

Koninklijke Douwe Egberts B.V. v. BergeronRichard  
Case No. D2025-0463

### **1. The Parties**

The Complainant is Koninklijke Douwe Egberts B.V., Netherlands (Kingdom of the), represented by Ploum, Netherlands (Kingdom of the).

The Respondent is BergeronRichard, United States of America ("United States", or "U.S.").

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

The disputed domain name <senseocoffee.shop> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 5, 2025. On February 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 7, 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 (Senseocoffee.shop, Senseo Coffee Universe) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 7, 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 on February 10, 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 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 5, 2025.

The Center appointed Jonathan Agmon as the sole panelist in this matter on March 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**

The Complainant is part of Jacob Douwe Egberts ("JDE"), formed in 2015 through the merger of D.E. Master Blenders and the coffee division of Mondelez International. JDE is in turn, part of JDE Peet's, one of the largest pure play coffee and tea company. The JDE group sells its coffee and tea products in over 100 countries worldwide. The Complainant's products include brands such as Jacobs, Tassimo, Moccona, Senseo, L'OR, Douwe Egberts, Tiora, Super and Kenco.

The Complainant is the owner of various trademarks registrations worldwide, including the following:

- European Union trademark registration no. 003073731 for SENSEO, registered on November 18, 2004;
- United States trademark registration no. 2851128 for SENSEO, registered on June 8, 2004; and
- International trademark registration no. 716530 for SENSEO, registered on June 25, 1999.

The Complainant owns and operates various domain names incorporating its SENSEO trademark, including:

- <senseo.com>, registered on January 21, 1999;
- <senseo.co.uk>, registered on May 12, 2002; and
- <senseo.nl>, registered on August 25, 1999.

The disputed domain name was registered on August 8, 2024. At the time of filing the Complaint, it resolved to a website displaying the Complainant's SENSEO mark, and offering for sale, goods sold under, or bearing the Complainant's SENSEO trademark.

#### **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:

- The disputed domain name is confusingly similar to the SENSEO trademark in which the Complainant has rights. The disputed domain name contains the entirety of the Complainant's SENSEO trademark with the addition of the descriptive term "coffee". The combination of the SENSEO mark together with the descriptive term "coffee" further enhances the confusion as the SENSEO mark is associated with the Complainant's coffee products. There is therefore a risk that Internet users may believe that there is a connection between the disputed domain name and the Complainant and its products. Further, the addition of the generic Top-Level Domain ("gTLD") ".shop" is a standard requirement and should not be taken into consideration when making an assessment of confusing similarity.
- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the name of SENSEO or SENSEOCOFFEE. The Respondent also has not acquired any trademark rights to SENSEO or SENSEOCOFFEE. The Respondent is not affiliated with the

Complainant and the Complainant has not licensed or permitted the Respondent to use its SENSEO trademark, including registering a domain name. The Respondent is also not making any legitimate use of the disputed domain name in connection with a bona fide offering of goods and services, such as being a reseller.

- The disputed domain name was registered and is being used in bad faith. The SENSEO trademark is a well-known mark which is highly distinctive. The Respondent therefore must have been well aware of the Complainant's SENSEO trademark at the time of registering the disputed domain name. The Respondent's use of the disputed domain name fails the Oki Data test as it does not satisfy the criteria that amounts of a bona fide offering of goods or services. The address provided on the Respondent's website is one located in the United States, while the listed phone number uses a country code for Tonga. The listed contact email for the Respondent is designed to closely resemble a legitimate email address that resembles the SENSEO trademark. The Respondent also did not accurately and prominently disclose the relationship between the Respondent and the Complainant. The Respondent is also masking his identity by using the trade name "senseo" and "senseo coffee shop", and referring to himself as "senseocoffee.shop". This further enhances the confusion and the suggested affiliation with the Complainant. Further, the disputed domain name resolves to a webpage which displays the SENSEO trademark and offers for sale, goods bearing, or sold under the SENSEO trademark. This is an intentional attempt at attracting, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion between the SENSEO trademark and the affiliation of the website. Further, the Respondent represents himself on the website as "senseo", "senseo coffee universe", or "senseocoffee.shop". This is likely to lead Internet users to believe that the website is run by the Complainant, or is an official agent of the Complainant. Further, the Respondent has provided false contact details on his website, and is using a privacy mask, which is evidence of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 SENSEO mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term here, "coffee", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant’s registration of its trademark long predates the registration of the disputed domain name. The disputed domain name resolves to a website displaying the Complainant’s SENSEO trademark and purportedly offering goods for sale under the Complainant’s SENSEO trademark. The contact details listed on the Respondent’s website are clearly false, and the Respondent’s actual contact details are not provided anywhere on the website. There is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate purpose.

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 Respondent registered the disputed domain name long after the Complainant registered its SENSEO trademark in the U.S. Given the specific use the Respondent is making of the Complainant’s SENSEO trademark, including the offering for sale of goods under that trademark similar to those sold by the Complainant, it is highly unlikely that the Respondent was not aware of the Complainant and its trademark prior to the registration of the disputed domain name. This is especially so as the Respondent had the presence of mind to alter and stylize the font used on his website to be different from the font used on the Complainant’s website.

Moreover, the specific use of the SENSEO trademark on the Respondent’s website, calling the business “Senso Coffee Universe” is strong evidence that the Respondent was targeting the Complainant and its trademark. Further, the Respondent is also offering goods for sale, bearing the trademarks of other brands, under the SENSEO trademark. The Respondent also provided false contact details on the website under the disputed domain name, which is additional bad faith evidence. The Respondent failed to file a response in this case despite the documents from the Center being successfully delivered to him. This is further evidence of bad faith.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes 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 disputed domain name <senseocoffee.shop> be transferred to the Complainant.

*/Jonathan Agmon/*

**Jonathan Agmon**

Sole Panelist

Date: March 24, 2025