

ADMINISTRATIVE PANEL DECISION

DPDgroup International Services GmbH & Co v. Louis Santiago
Case No. D2025-0507

1. The Parties

The Complainant is DPDgroup International Services GmbH & Co, Germany, represented by Fidal, France.

The Respondent is Louis Santiago, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <dpdtransportservices.com> is registered with eNom, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 14, 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 amendment to the Complaint on February 17, 2025.

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 Respondent of the Complaint, and the proceedings commenced on March 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2025.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on April 1, 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, operating since 1977, is one of the leading parcel delivery networks in Europe, with a turnover of EUR 15.7 billion in 2023. It delivers 5.3 million parcels each day and has more than 108,000 pickup points in a large number of countries.

The Complainant owns various registrations for or containing the acronym DPD (“the DPD Trademark”), including the following:

- International Trademark Registration No. 761146 for the figurative mark registered on May 26, 2001, for services in classes 36 and 39 of International Classification of Goods and Services (“ICGS”);
- International Trademark Registration No. 1217471 for the figurative mark registered on March 28, 2014, for goods and services in classes 9, 16, 35, 39 and 42 ICGS; and
- International Trademark Registration No. 1271522 for the figurative mark DPD GROUP registered on August 25, 2015, for services in class 39 ICGS.

The Complainant claims it is the owner of numerous domain names containing the acronym “DPD”, including <dpd.com>, <dpd-shipping.com>, <dpdgrouppexpress.com>, <dpd-speditons.com>.

The disputed domain name was registered on September 12, 2024. The disputed domain name resolves to a website offering identical or at least very similar services to the ones of the Complainant. The Complainant has also provided evidence showing that the website contains links to unrelated third-party websites.

The case file contains no further information about the Respondent, except his alleged place of residence in the United States.

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 confusingly similar to the DPD Trademark, as the DPD Trademark is reproduced in its entirety and identically in the disputed domain name. The association with the words “transport” and “services”, which are descriptive terms directly related to the Complainant’s activities are highly confusing. The “.com” generic Top-Level Domain (“gTLD”) extension may be ignored as it is a commonplace technical element;
- (2) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant in any way. The Complainant has not authorized, licensed, permitted or otherwise consented to the Respondent’s use of the trademark DPD in the disputed domain name and has no relationship with the Respondent. The Respondent is not commonly known by the disputed domain name. The disputed domain name is used to direct Internet users to a website, which is completely fraudulent. This does not amount to legitimate or bona fide conduct and supports an inference that the Respondent has no rights or legitimate interests in the disputed domain name;
- (3) the disputed domain name was registered and is being used in bad faith. The Complainant’s DPD Trademark is well known, making it inconceivable that the Respondent was unaware of the Complainant and its prior rights. It is evident that the Respondent had knowledge of both the Complainant and its trademark at the time of registration. The Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating confusion with the Complainant’s trademark, company name, and

associated domain names. The disputed domain name resolves to an active website that is entirely fraudulent. It makes unauthorized use of the Complainant's DPD trademark for identical services, reproduces the Complainant's distinctive red and white color scheme, and contains poorly written content, including spelling errors. The website also includes non-functional tab links or links that redirect to advertisements, and it displays fake contact details. Moreover, the deliberate association of the name "DPD" with the terms "transport" and "services" is not coincidental. In light of the fraudulent nature of the website, it is clear that the disputed domain name was registered with the intention to damage the Complainant's business activities, reputation, and relationships with its clients.

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 trademark 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 DPD mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The textual element of the trademark DPD is reproduced in its entirety in the disputed domain name. Although the addition of other terms, here “transport” and “services”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 DPD Trademark. [WIPO Overview 3.0](#), section 1.7.

The gTLD “.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 DPD Trademark, which precede the Respondent’s registration of the disputed domain name by years.

The Respondent is neither licensed nor affiliated with the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any indication of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services.

Similarly, there is no evidence of legitimate noncommercial or fair use of the disputed domain name. The Panel notes that the composition of the disputed domain name can mislead Internet users into believing that the website is operated or endorsed by the Complainant. Specifically, the disputed domain name combines the Complainant’s DPD Trademark with the terms “transport” and “services” descriptive of the Complainant’s services and, further, is used to offer identical or at least highly similar services as those of the Complainant. The use of the Complainant’s color scheme further confirms the Respondent’s intent to take unfair advantage of the likelihood of confusion. Accordingly, the available evidence demonstrates neither actual use nor preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

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.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel is 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 showing that the Respondent registered the disputed domain name long after the Complainant had secured its rights in the DPD Trademark. Given the long-standing registration and well-known character of the Complainant’s trademark, it is highly unlikely that the Respondent was unaware of the Complainant and its DPD Trademark at the time of registering the disputed domain name.

Furthermore, the Panel is 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, within the meaning of paragraph 4(b)(iv) of the Policy. This false impression is created through the incorporation of the Complainant’s DPD Trademark in the disputed domain name, the addition of two descriptive terms associated with the Complainant’s services, and the offering of delivery services on the corresponding website.

As a result, the Panel finds that it is more likely than not that the Respondent was aware of the Complainant’s trademark at the time of registering the disputed domain name. See [WIPO Overview 3.0](#), section 3.2.2.

The disputed domain name resolves to a website offering delivery services that are identical or at least highly similar to those provided by the Complainant. Given this and taking into account the well-known character of the Complainant’s DPD Trademark, it seems inconceivable that the Respondent registered and used the disputed domain name for any reason other than to unduly benefit from the Complainant’s reputation and goodwill. The Panel considers this an attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s trademark, specifically, by misleading users into believing that the Respondent’s website is somehow affiliated with, endorsed by, or operated on behalf of the Complainant. Such confusion may result in users engaging with the Respondent’s services under false assumptions, thereby diverting business and potentially damaging the Complainant’s reputation and customer trust.

Having reviewed the record in full, the Panel finds that the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Finally, the Respondent has not participated in these proceedings and has failed to rebut the Complainant’s contentions.

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 <dpdtransportservices.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: April 15, 2025