

ADMINISTRATIVE PANEL DECISION

Kristin Skogen Lund v. Equitas Global
Case No. D2025-0736

1. The Parties

The Complainant is Kristin Skogen Lund, Germany, represented by Osborne Clarke Rechtsanwälte Steuerberater Partnerschaft mbB, Germany.

The Respondent is Equitas Global, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <kristinskogenglund.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 25, 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 the same day.

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 February 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Response was filed with the Center on March 19, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on March 21, 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.

On April 9, 2025, the Panel issued Procedural Order No.1, asking the Complainant to provide additional information and/or evidence to show adequate use as a source identifier of her name, and claim trademark, in commerce. The Panel further granted the Respondent a period to comment on any submissions to be filed by the Complainant. Neither of the Parties filed any submissions to this Procedural Order.

4. Factual Background

The Complainant is a Norwegian business leader who has served in various management and executive positions across numerous companies and has gained considerable international reputation for her management and supervisory board expertise and experience.

The Complainant holds and has held many corporate directorships and board memberships, including the position as Chairman of the Supervisory Board of the food delivery company Delivery Hero SE (hereinafter "Delivery Hero") as of June 2024.

Additionally, the Complainant has won several prizes and awards relating to her professional and business accomplishments and is often named in national and international rankings for her business expertise. Some examples of such accomplishments include: i) the insignia of Knight of the French Legion of Honor in 2019; ii) "Fortune" in 2011 and 2012 cited the Complainant among the "Fortune 50 Most Powerful Women in Business" with the Complainant being respectively number 38 and 44 in the ranking; iii) the Complainant was featured on the "10 Global women on the rise" list by CNN Money and iv) the NORDIC Business Report of the Nordic Business Forum has in 2015 cited the Complainant among the "Top 20 Women in Business in Northern Europe" with the Complainant being number 12 in the ranking.

The Complainant has given numerous speeches and public appearances and has been featured on television and in numerous publications. A Google search shows that the Complainant is known as a public figure and a leading business expert.

The Respondent is a non-profit advocacy organization focused on exposing unethical corporate supply chain practices, specifically those involving animal cruelty and consumer health risks tied to cage egg production. The Respondent has a history of campaigning against companies that refuse to commit to eliminating the use of cage eggs.

The disputed domain name was registered on August 2, 2024 and redirects to an internal webpage of the website at "www.deliveryherocruelty.com", criticizing the use of cage eggs in the supply chain of Delivery Hero. On the page, it is stated: "Kristin Skogen Lund, Delivery Hero's Chair of the Supervisory Board, enables animal cruelty in Delivery Hero's global egg supply chain" and that "It's time for Kristin Skogen Lund and Delivery Hero to stop putting customers' safety at risk, and stop supporting this severe animal cruelty".

5. Parties' Contentions

A. Complainant

The Complainant contends that she has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant states that she has established unregistered rights in the personal name Kristin Skogen Lund since her name has been used as a trademark-like identifier in trade and commerce of the business services offered by the Complainant and has, therefore, acquired distinctiveness and secondary meaning as a trademark.

The Complainant contends that the disputed domain name is identical to the claimed trademark KRISTIN SKOGEN LUND in which she has unregistered trademark rights as it reproduces the trademark in its entirety with the mere addition of the generic Top-Level Domain ("gTLD") ".com".

The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent was in no way authorized, permitted or allowed by the Complainant to use her name and trademark in any way as part of the disputed domain name or for any other purpose, and there is no trademark or trade name registered by the Respondent corresponding to the disputed domain name, or any possible link between the Respondent and the disputed domain name.

The Complainant also contends that the Respondent has not used, nor made preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services and that the Respondent's use of the disputed domain name is not fair since the disputed domain name is identical to the Complainant's trademark and thus suggests an association with the Complainant.

The Complainant further submits that the Respondent cannot rely on fair use because: i) the Respondent's allegations displayed on the website to which the disputed domain name resolves do not pertain to the Complainant but to an online grocery retail business operated by one of the subsidiaries of Delivery Hero, Foodpanda, whilst the Complainant however is not even CEO or director of Delivery Hero or its subsidiary, but the Chair of the Supervisory Board of Delivery Hero; ii) the described animal welfare violations are misdirected and do not involve the Complainant's core operations or practices; iii) the allegations made on the Respondent's website are neither substantiated nor verified as there is no evidence provided to support the claims, nor is there any means for verification or serious contact; iv) the allegations are presented in a sensational and exaggerated manner in the intention of provoking an emotional response rather than providing a fair and balanced account of the situation; v) the website under the disputed domain name improperly names and highlights the Complainant as a responsible for the allegations made and directly puts the spotlight and weight of the allegations on the Complainant, who however has only recently become the Chair of the Supervisory Board of Delivery Hero and is neither working for its subsidiary Foodpanda nor for the grocery stores Pandamart Stores; vi) the website aims at misleadingly associating the Complainant with the mentioned allegations, causing harm to the Complainant, damaging the reputation of the Complainant and tarnishing her name and trademark; vii) the disputed domain name and the correspondent website are misleading and false, serving only to harm the Complainant.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the Respondent registered the disputed domain name being aware of the Complainant's rights to the personal name Kristin Skogen Lund and of the fame and reputation of the Complainant, and that the disputed domain name was registered and used to take unfair advantage of the Complainant's trademark with the intent of tarnishing the Complainant's reputation, business and advisory services.

The Complainant submits that the Respondent intentionally targets people who are interested in the person of the Complainant and her business endeavors and directs them to a website where unfounded accusations are made directly against the Complainant in order to seriously harm and ruin the reputation and honor of the Complainant.

The Complainant further emphasizes that such actions are not only unethical but also illegal and that this is not a case of legitimate criticism, but a deliberate attack designed to cause significant harm to the targeted Complainant's reputation and business operations, with the intent to evidently harm Complainant's business, reputation, and trademark through the dissemination of false, defamatory, and sensationalized content.

The Complainant underlines that the text published on the website to which the disputed domain name resolves refers directly to the Complainant and makes direct, personal accusations of animal cruelty against the Complainant. The website personally associates the Complainant with animal cruelty and health risks for consumers and holds the Complainant personally responsible for this. The Complainant therefore states that, by registering and using the disputed domain name, the Respondent has attempted to exploit not only the honest interest of Internet users in the Complainant's person, but also the fame and reputation of the Complainant and the Complainant's trademark to present unfounded accusations against the Complainant and to make them known to Internet users worldwide. The Complainant submits that this can lead the business world to believe that the Complainant's business and advisory services are of bad quality, causing harm to the respective company and its reputation.

The Complainant also states that it is not even necessary for Internet users to actually visit the website under the disputed domain name to become aware of the unfounded and reputation-damaging accusations on the website since, when typing in the name of the Complainant in the browser, the website under the disputed domain name is suggested, and is titled: "Kristin Skogen Lund and Delivery Hero: Filth and Food Safety Risks".

B. Respondent

On March 19, 2025, the Respondent sent the Center a formal response, replying to the Complainant's contentions and denying all allegations. The Respondent requested that the Response be accepted, even if it was submitted one day past the deadline for Response, indicating that it had received seventeen separate emails from the WIPO Center regarding multiple domain disputes involving the Respondent and had overlooked the one with the indication of the term for the filing of the Response.

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name for the following reasons.

With reference to the Complainant's asserted Common Law trademark rights, the Respondent states that while the Complainant is a prominent business figure, the use of her name in this context is justified criticism related to her public corporate role and cites UDRP jurisprudence stating that common law rights in personal names are not automatically established by fame alone since rights must be tied to distinct commercial goods or services, which is not the case here.

The Respondent further contends that criticism or commentary websites are not required to avoid naming public figures since fair use allows discussion of such figures, especially where their roles relate to public-interest issues like animal welfare and food safety.

The Respondent denies the Complainant's claim that the use of the disputed domain name is misleading or commercial, since the website clearly contains critical content and commentary and there is no evidence that Respondent ever sought to sell the disputed domain name or gain commercially.

Moreover, the Respondent asserts it has legitimate interest in the disputed domain name under UDRP 4(c)(iii), which permits noncommercial use of domain names for commentary and criticism. The Respondent claims that the website to which the disputed domain name resolves is part of an advocacy campaign highlighting the Complainant's leadership role at Delivery Hero and her potential influence over corporate supply chain practices as well as her ongoing failure to commit to eliminating cage eggs globally, which is a matter of serious consumer health and animal welfare importance.

The Respondent submits that the website to which the disputed domain name resolves is strictly noncommercial, contains no advertising or solicitation, and aims at informing the public of ethical concerns tied to Delivery Hero's operations.

With reference to circumstances evidencing bad faith, the Respondent claims that the disputed domain name was registered in good faith to host a noncommercial advocacy website and submits that it did not register the disputed domain name to sell it, profit, or mislead consumers.

The Respondent further states that criticism of powerful figures is protected speech, and rejects the Complainant's attempt to portray public criticism as defamatory, stating that the website provides context, and references, relating directly to the Complainant's corporate responsibilities. The Complainant further points out that the Respondent does not attempt to impersonate the Complainant, but merely to educate readers about her supervisory role and the ethical concerns arising from Delivery Hero's supply chain practices.

6. Discussion and Findings

6.1. Preliminary procedural issue: late Response.

The Response was filed one day late.

According to Paragraph 10(c) of the Rules, “The Panel shall ensure that the administrative proceeding takes place with due expedition. It may, at the request of a Party or on its own motion, extend, in exceptional cases, a period of time fixed by these Rules or by the Panel”.

The Respondent stated that the WIPO Center’s email communication notifying the commencement of the proceeding and the deadline for Response was overlooked by the Respondent as it received several other emails from the Center and missed that one.

In view of the circumstances, considering the short delay and the lack of any prejudice to the Complainant, the Panel has decided to admit the late Response.

6.2 Substantive issues

According to paragraph 15(a) of the Rules: “A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is 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 in this case relies on unregistered trademark rights to her personal name “Kristin Skogen Lund” for the purposes of the Policy.

The Policy does not explicitly provide standing for personal names which are not registered or otherwise protected as trademarks. However, where a personal name is used as a trademark-like identifier in trade or commerce, a complainant may be able to establish unregistered or common law rights in that name for purposes of standing to file a UDRP case where the name in question is used in commerce as a distinctive identifier of the complainant’s goods or services. [WIPO Overview 3.0](#), section 1.5.2.

Based on the documents submitted by the Complainant, the Panel finds that the Complainant has not established unregistered trademark mark rights for the purposes of the Policy, as it has not shown that the Complainant’s name has been used as a distinctive identifier in commerce as in the sense of a trademark, even upon receiving the Procedural Order No. 1 issued.

No doubt the Complainant showed enough evidence to show that she is a very famous businessperson, but none of the evidence submitted shows the use of her name as a trademark. See *Margaret C. Whitman v. Domains For Sale*, WIPO Case No. [D2008-1534](#).

While the Panel also accepts that the Respondent has clearly targeted the Complainant, there is not enough evidence in the case file that supports the Complainant’s contention that her mark has achieved significance as a source identifier within the standing to file a UDRP complaint.

Therefore, the Panel finds the first element of the Policy has not been established.

In light of this, and because the Complainant bears the burden of proving each of the elements under paragraph 4(a) of the Policy, it is not necessary for the Panel to further evaluate the Complainant's arguments under paragraphs 4(a)(ii) and 4(a)(iii) for purposes of this Decision.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: May 1, 2025