

## **ADMINISTRATIVE PANEL DECISION**

Julius Blum GmbH v. Tran Anh Tuan

Case No. D2025-0777

### **1. The Parties**

The Complainant is Julius Blum GmbH, Austria, represented by Torggler & Hofmann Patentanwälte GmbH & Co KG, Austria.

The Respondent is Tran Anh Tuan, Viet Nam.

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

The disputed domain name <nhabepblum.com> is registered with Mat Bao Corporation (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is the registrant and providing additional contact information. The Center sent an email communication to the Complainant on the same day, providing the registrant and contact information disclosed by the Registrar. The Complainant filed an amendment to the Complaint on February 27, 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 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 24, 2025.

The Center appointed Andrea Mondini as the sole panelist in this matter on March 26, 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 was founded in 1952, is headquartered in Höchst, Austria, and provides furniture fittings on an international basis. The Complainant currently employs over 9,200 employees.

The Complainant holds several domain names containing the trademark BLUM, among them <blum.com> which hosts its main website.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
BLUM	International Registration	598611	February 16, 1993	6, 7, 20, 26
BLUM	International Registration	996626	November 18, 2008	6, 9, 11, 20

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was registered on February 20, 2019.

In accordance with the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has independently reviewed the website at the dispute domain name. The website features the Complainant's trademark as well as trademarks of third parties and allegedly offers both Complainant's and third parties' furniture fittings.

#### 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 as follows:

The disputed domain name is confusingly similar to the BLUM trademark in which the Complainant has rights, because it incorporates this trademark in its entirety. The additional element "nhabep" is not sufficient to prevent a finding of confusing similarity because it stands for the Vietnamese word "nhà bếp" which means "kitchen" in English.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The trademark BLUM has been extensively used to identify the Complainant and its products. The Respondent has not been authorized by the Complainant to use this trademark, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the Respondent's use of the disputed domain name, which includes the Complainant's trademark BLUM along with the Vietnamese word "nhà bếp", meaning "kitchen" in English, improperly misleads consumers into believing that they have reached the Complainant's official website for Viet Nam or creates the false impression that the Respondent is associated with or affiliated with the Complainant.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its trademark BLUM at the time it registered the disputed domain name.

The Respondent is using the disputed domain name in bad faith by intentionally attempting to attract, for financial gain, Internet users to the Respondent's website by creating an likelihood of confusion with the Complainant's mark.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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.

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

The Panel finds the entirety of the mark is reproduced within the disputed domain name.

Although the addition of other terms such as here "nhabep" may bear on assessment of the second and third elements because "nhà bếp" in Vietnamese stands for the word "kitchen" in English, the Panel finds that in the present case 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.

The addition of the generic Top-Level Domain ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [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 for a complainant to prove that 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 posted a website under the disputed domain name featuring the Complainant's trademark as well as trademarks of third parties and allegedly offering the Complainant's as well as competing third-party furniture fittings for sale. The Respondent's use of the disputed domain name does not meet the "Okidata Test", established in *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), in particular because the Respondent does not use this website to sell only the Complainant's products. Further, the website does not accurately and prominently disclose the Respondent's lack of relationship with the Complainant. [WIPO Overview 3.0](#), section 2.8.

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.

Based on the available record, 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.

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 view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and considering that the disputed domain name resolves to a website featuring the Complainant's BLUM trademark and depicts the type of products offered by the Complainant, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The impression given by the composition of the disputed domain name and this website would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website in the sense of the Policy, paragraph 4(b)(iv).

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

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

## **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 <nhabepblum.com> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: April 9, 2025