

ADMINISTRATIVE PANEL DECISION

Julius Blum GmbH v. Nguyen Van Hao
Case No. D2025-1456

1. The Parties

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

The Respondent is Nguyen Van Hao, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <blumhanoi.com> (the “Disputed Domain Name”) is registered with P.A. Viet Nam Company Limited (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2025. On April 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 11, 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 (Name not available) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant confirmed via email that the registrar-provided registrant information should be added to the Complaint on April 15, 2025.

On April 11, 2025, the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the Disputed Domain Name is Vietnamese. On April 15, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 April 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 19, 2025.

The Center appointed Pham Nghiem Xuan Bac as the sole panelist in this matter on May 22, 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, Julius Blum GmbH, is one of the largest international companies specialized in the field of furniture fittings. The Complainant was founded in 1952 in Austria and currently employs more than 9,200 employees all over the world.

The Complainant owns numerous BLUM trademark registrations, including but not limited to International Trademark Registration Nos. 996626 (registered on November 18, 2008), 598611 (registered on February 16, 1993), and 1171363 (registered on April 29, 2013), designating several jurisdictions including Viet Nam.

The Complainant is also the owner of the domain names <blum.com> and <blum.vn> which maintain active status in Viet Nam.

The Disputed Domain Name was registered on April 12, 2024. As of the date of this Decision, the Disputed Domain Name resolves to an inactive website. However, the Disputed Domain Name used to resolve to a website offering for sale hardware products and other accessory articles for furniture bearing the Complainant's BLUM 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 as follows:

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark, in which the Complainant has rights.

First, the Complainant contends that it has rights in and to the BLUM trademarks in many jurisdictions, including in Viet Nam, where the Respondent resides.

Second, the Complainant contends that the Disputed Domain Name is confusingly similar to its BLUM trademark, because the BLUM trademark is included in its entirety, being the most distinctive element in the Disputed Domain Name. The addition of the geographical suffix "hanoi", capital of Viet Nam, does not prevent a finding of confusing similarity with the Complainant's trademarks.

Further, the Complainant argues that the Respondent employs the Disputed Domain Name for selling and advertising hardware products, aligning with goods covered by the Complainant's trademarks.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

First, the Respondent has never been licensed, authorized, or otherwise permitted by the Complainant to register or use its BLUM trademark as a domain name.

Second, the use of the Complainant's BLUM trademark combined with the geographical term "hanoi" creates a false impression of affiliation with the Complainant or its authorized distributor in Hanoi, Viet Nam.

Third, the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name. On the contrary, the website uses the Complainant's product images and copyrighted content without consent.

Consequently, the Disputed Domain Name is not used in any type of legitimate business or services and the Respondent fails to show any intention of noncommercial or fair use of the Disputed Domain Name.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

The Complainant submits that the Disputed Domain Name was registered and is being used in bad faith, for the following reasons: (i) The Respondent was or should have been aware of the Complainant which has been doing business in Viet Nam for over 20 years; (ii) The Respondent intentionally designed the Disputed Domain Name to imply that there is an affiliation between the Respondent with the Complainant or to suggest that the Complainant has endorsed or authorized the Respondent's activities, despite the absence of any such relationship or endorsement. The Complainant indicated that such situations mirror previous cases where bad faith was established, including *General Electric Company v. Japan, Inc.*, WIPO Case No. [D2001-0410](#).

Therefore, the Complainant considers that the Respondent registered and is using the Disputed Domain Name in bad faith under paragraph 4(b)(iii) of the Policy.

With the said arguments, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Name is Vietnamese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- (i) The Respondent is familiar with English as the Disputed Domain Name previously resolved to a website which contained English language terms, such as "Hotline" and promotional slogans in English, such as "With the philosophy: Honesty in business – Dedication to customers – Delicacy in products, Blum will always accompany, ensure the highest satisfaction for customers".
- (ii) As shown on the associated website, the Respondent has voluntarily chosen the English name "EUROTECH" for its company.
- (iii) The Complainant operates internationally and customarily uses English in commercial contexts.

The Respondent did not make any specific submissions with respect to the language of the proceeding. In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 Panel finds that the Complainant has evidenced that it has rights in and to the BLUM trademark, which was registered in several jurisdictions before the registration of the Disputed Domain Name.

The entirety of the 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 other term, here "hanoi", may bear on assessment of the second and third elements, the Panel finds 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.

In addition, the Panel finds, similarly to other UDRP panels, that the addition of the gTLD ".com" to the Disputed Domain Name may be disregarded under the first element confusing similarity test because it is viewed as a standard registration requirement. [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 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.

Paragraph 4(c) of the Policy lists circumstances, in particular but without limitation, which, if found by the Panel to be proved, demonstrate the Respondent's rights or legitimate interests in the Disputed Domain Name for the purposes of paragraph 4(a)(ii) of the Policy, including:

"(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Regarding paragraph 4(c)(i) of the Policy, the Panel finds, in light of the Complainant's asserted facts, that no license, permission or authorization of any kind has been granted to the Respondent to use the Complainant's BLUM trademark. There is no evidence available that the Respondent holds any registered or unregistered trademark rights in any jurisdiction related to BLUM. Thus, the Panel finds that the Respondent has no rights or legitimate interests in the BLUM trademark.

A reseller or distributor may be making a bona fide offering of goods and services and thus have rights or legitimate interests in a domain name if its use meets certain requirements, which are described in the decision *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data") including:

- the Respondent must actually be offering the goods or services at issue;
- the Respondent must use the site to sell only the trademarked goods or services (otherwise, there is the possibility that the Respondent is using the trademark in a domain name to bait consumers and then switch them to other goods or services);
- the site itself must accurately and prominently disclose the Respondent's relationship with the trademark owner; and
- the Respondent must not try to "corner the market" in domain names that reflect the trademark, thus depriving the trademark owner of the ability to reflect its own mark in a domain name.

In this particular case, the Panel conducted an independent search on "www.web.archive.org" and found that the Disputed Domain Name, at least on September 22, 2024, resolved to a website advertising and selling furniture fittings bearing the Complainant's BLUM trademark. On such website, the Panel found that the Respondent did not place any statement or disclaimer disclosing accurately and prominently its relationship with the Complainant. This indication accordingly may mislead Internet users into believing in a connection or association between the Respondent and the Complainant, where such connection or association does not exist in reality.

With such a view, the Panel finds that the use of the Disputed Domain Name does not meet the Oki Data criteria and thus, does not constitute a bona fide use within paragraph 4(c)(i) of the Policy.

Regarding paragraphs 4(c)(ii) and 4(c)(iii) of the Policy, the Panel finds no evidence indicating that the Respondent, whether as an individual, business, or entity, is commonly known by the Disputed Domain Name, nor is the Respondent making a legitimate noncommercial or fair use of it. In fact, as it appears following the Complainant's assertions and evidence with regard to the Respondent's registration of the Disputed Domain Name, the Respondent had full knowledge of the trademark BLUM and had an intention to gain profit by riding on the goodwill and reputation of the Complainant.

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, including:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location.”

In the present case, the Panel finds that the Complainant has put forth evidence that the Respondent has registered and used the Disputed Domain Name in bad faith. The Respondent did not formally reply to the Complainant's contentions and, therefore, did not refute the Complainant's contentions.

The Panel has considered the Complainant's assertions and evidence relating to the Respondent's registration and use of the Disputed Domain Name. In this regard, the Panel finds that the Complainant's BLUM trademark has been registered and put in use in, among other countries, Viet Nam where the Respondent resides. These trademark registrations well predate the registration of the Disputed Domain Name.

The Disputed Domain Name comprises the Complainant's BLUM trademark in its entirety, adding only the geographical term “hanoi” at the end. Given the extensive use of the BLUM trademark for furniture fittings by the Complainant, which occurs in numerous countries, including in Viet Nam, where the Respondent resides, it is very unlikely that the Respondent registered the Disputed Domain Name in a fortuity. Also, in consideration of the use of the Disputed Domain Name and the content of the associated website, the Panel is of the view that the Respondent obviously knew the Complainant and its BLUM trademark when it registered the Disputed Domain Name, and the Panel considers the registration is an attempt by the Respondent as to take unfair advantage of the reputation and goodwill of the Complainant's trademark.

As of the date of this Decision, the Panel has accessed the Disputed Domain Name and finds that it currently resolves to an inactive website. However, it is well proven and evidenced by the Panel that the website under the Disputed Domain Name used to offer for sale furniture fittings bearing the Complainant's BLUM trademark and advertised such products using product images and other copyright protected material from the Complainant's official website.

The Panel takes the view that any Internet users seeking to purchase the furniture fittings and other features of the Complainant would likely mistakenly believe that the Respondent is either connected to or associated with the Complainant, while no such connection exists in fact. The Panel therefore finds 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 trademark as to the source, sponsorship, affiliation, or endorsement of its website on its website, which is indicative of bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In addition, despite the current use of the Disputed Domain Name to resolve to an inactive website, the Panel determines that, in light of the totality of the circumstances, such passive holding does not prevent a finding of 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 <blumhanoi.com> be transferred to the Complainant.

/Pham Nghiem Xuan Bac/

Pham Nghiem Xuan Bac

Sole Panelist

Date: June 5, 2025