

## **ADMINISTRATIVE PANEL DECISION**

Yielder Group B.V., Allied Branding B.V. v. Dies Goorman, FlokiNET Ltd  
WhoisProtection, FlokiNET Ltd  
Case No. D2025-1608

### **1. The Parties**

The Complainants are Yielder Group B.V. and Allied Branding B.V., Netherlands (Kingdom of the) (“the Netherlands”), represented by La Gro B.V., the Netherlands (together the “Complainant”).

The Respondents are Dies Goorman, the Netherlands, and FlokiNET Ltd WhoisProtection, FlokiNET Ltd, Seychelles.

### **2. The Domain Names and Registrars**

The disputed domain name <werkenbijyielder.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com. The disputed domain name <yielderpapers.com> is registered with Tucows Domains Inc. The disputed domain name <yielderreviews.com> is registered with NameSilo, LLC. Together, these disputed domain names are referred to as the “Domain Names”, and the registrars are referred to as the “Registrars”.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2025. On April 24, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On April 24 and April 25, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the Domain Names which differed from the named Respondents (Redacted/Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 28, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. The Complainant filed an amended Complaint on April 30, 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 Respondents of the Complaint, and the proceedings commenced on May 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on May 26, 2025.

The Center appointed Gregor Vos as the sole panelist in this matter on June 3, 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 in this proceeding is Yielder Group B.V. together with Allied Branding B.V. Yielder Group B.V. is the operating company and the sole shareholder in Allied Branding B.V. The business is operated in the Netherlands. The Complainant operates a website at “www.yielder.com”. According to the Complainant’s website, it is a provider of information technology and cybersecurity.

The Complainant invokes inter alia the following trademark registration, owned by Allied Branding B.V, and licensed to Yielder Group B.V. (hereinafter referred to as: the “Trademark”):

- Benelux trademark registration No. 1390208 for YIELDER registered on May 14, 2019.

The Domain Name <yielderpapers.com> was registered on March 7, 2025, <yielderreviews.com> was registered on March 24, 2025, and <werkenbijyielder.com> was registered on February 11, 2025. Currently, the Domain Name <yielderpapers.com> redirects to a domain name <werkenbijradar.com>, on which a website is hosted that provides a critical platform on the Complainant’s company. The two other Domain Names do not resolve to an active website. According to the Complainant, the Domain Name <werkenbijyielder.com> previously redirected to the Domain Name <yielderpapers.com>, and the Domain Name <yielderpapers.com> previously resolved to the critical platform on the Complainant’s company, and then redirected to the domain name <ictleaks.com> in connection with the same critical platform website.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for the cancellation of the Domain Names.

Notably, the Complainant contends that the Domain Names are confusingly similar to the Trademark of the Complainant, the Respondent has no rights or legitimate interests in the Domain Names, and the Domain Names have been registered and are being used in bad faith.

Firstly, according to the Complainant, the Domain Names are highly confusingly similar to its Trademark. The Domain Names incorporate the Trademark in its entirety, each in combination with a word added before or after the Trademark.

Secondly, the Complainant asserts that the Respondent has no rights or legitimate interests in the Domain Names. The Domain Names were registered several years after the Complainant’s Trademark was registered and put into genuine use. There is no evidence that the Respondent has been commonly known

by the Domain Names, nor has the Respondent demonstrated any bona fide offering of goods or services under the Domain Names. Instead, the Complainant is under the impression that the Respondent is a former employee of the Complainant and has used the Domain Names to publish misleading and defamatory content about the Complainant. Also, the composition of the Domain Names and the content of the websites to which they resolve would be misleading.

Finally, according to the Complainant, the Respondent has registered and is using the Domain Names in bad faith because the Respondent takes unfair advantage of and otherwise abuses the Trademark. This is supported by a pattern of behavior whereby the Respondent repeatedly registered domain names incorporating the Complainant's Trademark shortly after receiving notice-and-takedown requests. This is unlawfully disrupting the business of the Complainant. In addition, while some of the Domain Names are either not accessible or used merely to redirect to other domain names, such passive holding can be qualified as bad faith. Also, the Respondent concealed their identity using false or proxy details, supporting a finding of bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## **6. Discussion and Findings**

### **6.1 Preliminary Issue**

#### **A. Consolidation: Multiple Respondents**

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In this regard, the Panel will consider whether (i) the domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

The Complainant argues that (1) the registrant information for Domain Names <yielderreviews.com> and <werkenbijyielder.com> are the same, (2) the Domain Name <werkenbijyielder.com> was used to redirect to the Domain Name <yielderpapers.com>, indicating that all of the Domain Names are under common control, and (3) the name Dies Goorman is likely a false name, but the Complainant has reason to believe the registrant of all of the Domain Names is a Dutch national, especially noting that the content on the website is in Dutch.

Taking the above arguments into consideration, the Panel finds that the Domain Names are subject to common control and that consolidation of the disputes would be fair and equitable to all Parties.

Accordingly, the Panel will consolidate the disputes regarding the nominally different Domain Name registrants (together "the Respondent") in a single proceeding.

### **6.2 Substantive Issues**

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Names are identical or on confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. the Respondent has no rights or legitimate interests in respect of the Domain Names; and
- iii. the Domain Names have been registered and are being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

### **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 Domain Names. [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 Trademark is reproduced within the Domain Names. Accordingly, the Domain Names are confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Domain Names contain the addition of the terms "papers", "reviews" and "werkenbij" (which translates to ("working at")). Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of such terms here does not prevent a finding of confusing similarity between the Domain Name and the Trademark 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 the Domain Names.

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 Domain Names. 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 Domain Names such as those enumerated in the Policy or otherwise.

Specifically with regard to the Domain Names <werkenbijyielder.com> and <yielderpapers.com> resolved to a website which is critical about the Complainant.<sup>1</sup> The use of a domain name for fair use such as noncommercial free speech, may in principle support a respondent's claim to a legitimate interest under the Policy. In order to find fair use, the respondent's criticism must be genuine and noncommercial, in the sense of not being a pretext to hide another motive such as cybersquatting. Panels find that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark, even where such a domain name is used in relation to genuine noncommercial free speech.

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<sup>1</sup>The Panel has visited Web Archive to assess the use of the Domain Name <werkenbijyielder.com>.

Panels tend to find that this creates an impermissible risk of user confusion through impersonation. [WIPO Overview 3.0](#), section 2.6.

The Domain Name <werkenbijyielder.com> does not consist exclusively of the Complainant's Trademarks but adds the terms "werkenbij" (which translates to "working at"). This composition of the Domain Name suggests that it refers to a website that belongs to the Complainant, for example its recruitment website. Therefore, the Domain Name creates an impermissible risk of user confusion even though it is not an exact match with the Trademark. The Panel further notes from a Google search with the terms "werken bij yielder" that the Complainant's group operates a "Working at" page at "werkenbij.yieldergroup.com" which is highly similar to the Domain Name.

The Domain Name <yielderpapers.com>, although reproducing first the Complainant's Trademarks in its entirety, is adding the term "papers", which is more ambiguous than "werkenbij" ("working at"), and would require a further examination by the Panel of the broader facts and circumstances of this case. Likewise, the Domain Name <yielderreviews.com> is reproducing the Complainant's trademark with the term "reviews" that could be perceived as being connected to the Complainant, but it is also capable of being understood as providing opinions and comments from third parties. The Panel finds that the nature of these Domain Names is not conclusive and would trigger a more detailed consideration of the overall factors of this case.

The Panel notes that the Respondent registered three domain names, with one having a composition that creates an impermissible risk of user confusion. In addition, the Panel notes that at some point in time, the Domain Name <werkenbijyielder.com> redirected to the Domain Name <yielderpapers.com>. The Domain Name <yielderpapers.com> resolved to a website prominently displaying the sentence "Werken bij Yelder?!" (which may be translated as "Working at Yelder?!"). The Domain Name <yielderreviews.com> has not been used.

On top of this, the Panel finds that the Respondent's use constitutes an attempt to attract audience by misleading Internet users as to the affiliation of its website. This is further reinforced by the fact that the Respondent registered multiple domain names in which the Trademark is fully incorporated and that various domain names which are or have been the subject of these proceedings, redirect(ed) to each other. Therefore, there is an impermissible risk that either one of these domain names may be used in the future as a pretextual attempt to attract Internet users, which does not confer rights and legitimate interests upon the Respondent.

Considering the overall circumstances of this case, the Panel finds that the Respondent's use seems to be a pretextual attempt to attract Internet users and that the second element of the Policy has thus 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 the Domain Names 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.

Regarding the Domain Names <yielderreviews.com>, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel finds that in the circumstances of this case the passive holding of these Domain Name does not prevent a finding of bad faith under the Policy.

Regarding the Domain Name <werkenbijyielder.com> and <yielderpapers.com>, the Panel finds that it is inconceivable that the Respondent registered this Domain Name without knowledge of the Complainant and its Trademark, and with intent to target this Trademark. The Respondent has registered the Domain Name primarily for the purpose of disrupting the business of the Complainant. This supports a finding of bad faith, which is reinforced by the fact that the composition of the Domain Names and the content of the website explicitly suggest an affiliation with the Complainant. [WIPO Overview 3.0](#), Section 3.1.

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 Domain Names <werkenbijyielder.com>, <yielderpapers.com>, and <yielderreviews.com> be cancelled.

*/Gregor Vos/*

**Gregor Vos**

Sole Panelist

Date: June 16, 2025