

ADMINISTRATIVE PANEL DECISION

Bongards' Creameries v. Name Redacted Case No. D2025-1995

1. The Parties

The Complainant is Bongards' Creameries, United States of America (“United States” or “U.S”), represented by Lathrop GPM LLP, United States.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <b0ngards.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 20, 2025. On May 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 21, 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 May 21, 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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 13, 2025.

The Center appointed Michael A. Albert as the sole panelist in this matter on June 18, 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 is a supplier of dairy products based in Minnesota, United States. It is the owner of several United States Trademark Registrations for the BONGARDS mark including U.S. Reg. No. 4,427,984 registered on November 5, 2013, for the BONGARDS mark for use in connection with food additives for food manufacturing, protein and feed supplements, and cheese goods; U.S. Reg. No. 5,584,202 registered on October 16, 2018, for the BONGARDS & Design mark for use in connection with proteins for use in the manufacture of food products and cheese goods; and U.S. Reg. No. 4,978,718 registered on June 14, 2016, for the BONGARDS PREMIUM CHEESE & Design mark for use in connection with cheese goods. The Complainant also owns the domain name <bongards.com>.

The disputed domain name was registered on April 10, 2025. The Complainant provides evidence that the disputed domain name has been used as a part of a fraudulent email scheme impersonating the Complainant's employee.

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 it has owned and used the registered BONGARDS trademarks for over a decade; and that the Respondent, without authorization, has registered and used the disputed domain name that simply replaces the letter "o" in Complainant's registered trademark with the similar-looking number "0".

The Complainant contends that the Respondent must have known of the Complainant and its marks given the striking similarity between the two, and that the Respondent seeks to use the disputed domain name to obtain commercial gain by misleading the Complainant's customers. The Complainant further alleges that the Respondent has in fact used the Complainant's name to impersonate the Complainant's employees as part of a fraudulent financial scheme.

B. Respondent

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

6. Discussion and Findings

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.

Here, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy by its multiple long-established trademark registrations with the United States Patent and Trademark Office. [WIPO Overview 3.0](#), section 1.2.1.

Moreover, the entirety of the mark is reproduced within the disputed domain name, with but a minor substitution that has a very similar appearance (changing "o" to "0"). Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel thus finds that the Complainant has established the first element of the Policy.

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 that 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 responded at all, and thus 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.

The Panel thus finds that Complainant has established the second element of the Policy.

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, although other circumstances may also 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 finds that the Respondent has engaged in "typosquatting," a variety of "cybersquatting" in which a domain name is registered that replaces one or a small number of characters in

the complainant's mark with a confusingly typographically similar character – in this case, replacing the letter “o” with the number “0” – which is likely to confuse consumers seeking the Complainant into believing that the Respondent's domain name is owned or authorized by Complainant.

Additionally, the Complainant plausibly alleges and submits evidence showing that the Respondent has used its confusingly similar domain name to misrepresent itself as an employee of the Complainant's, as part of a fraudulent email scheme. The Respondent has not denied or otherwise responded to this allegation. Panels have held that the use of a domain name for such illegitimate and/or illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <b0ngards.com> be transferred to Complainant.

/Michael A. Albert/
Michael A. Albert
Sole Panelist
Date: July 2, 2025