

ADMINISTRATIVE PANEL DECISION

Industria de Diseño Textil, S.A. (Inditex S.A.) v. Tran Xuan Hai and Yu Shui Qing

Case No. D2025-2220

1. The Parties

The Complainant is Industria de Diseño Textil, S.A. (Inditex S.A.), Spain, represented internally.

The Respondents are Tran Xuan Hai and Yu Shui Qing, Viet Nam.

2. The Domain Names and Registrars

The disputed domain names <inditex.com>, <inditexshope.com> and <inditextap.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

The disputed domain name <inditexmail.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 June 6, 2025. On June 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 7 and 9, 2025, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (TRAN XUAN HAI and GNAME.COM PTE. LTD.) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 12, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed 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 June 16, 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 June 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on July 10, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on July 14, 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.

As noted above, the Complaint has been filed against multiple respondents. For the reasons set out below, the Panel finds that the four disputed domain names are under common control and that consolidation of the complaints in respect of all disputed domain names would be fair and equitable to all parties as well as providing procedural efficiency.

4. Factual Background

The Complainant is one of the world's largest fashion retailers, with a number of well-known brands, including ZARA, MASSIMO DUTTI, BERSHKA, STRADIVARIUS, and OYSHO (the "Complainant Brands"). It was officially founded in 1985 and as at January 2025 owned, managed or franchised 5,563 stores in 214 markets around the world.

Since 1985 it has used its INDITEX trademark, actively promoting its brands, products and services on the Internet. It has owned the <inditex.com> domain name since 1997 and also owns the <inditex.net> and <inditexcareers.com> domain names.

The Complainant is the proprietor of numerous registered trademarks in respect of INDITEX, including Spain trademark number M2788576 registered on January 24, 2008, and International trademark number 975705 also registered on January 24, 2008, designating a number of territories including Viet Nam and the European Union.

The disputed domain names were registered between June 25, 2024, and January 10, 2025. None of the disputed domain names currently resolves to an active web site. The Complainant has adduced evidence that the <inditexshope.com>, <inditex.com> and <inditextap.com> disputed domain names previously resolved to virtually identical websites featuring shopfronts of retail stores under various of the Complainant Brands and each of which made available a video presentation which had been copied from the Complainant's website at "www.inditexcareers.com". This included a series of street scenes many of which had shots of various retail stores of the Complainant's brands including ZARA, MASSIMO DUTTI, and OYSHO.

The websites further included a message "MAKE YOUR DREAMS BECOME REALITY: INDITEX INVITES STARTUPS WORLDWIDE TO APPLY FOR THE 8TH EDITION OF THE INDITEX INNOVATION AWARD" that was displayed over the video presentation. The text and video were accompanied by three clickable buttons, one of which was marked "INDITEX CAREER" and acted as a hyperlink to the Complainant's "inditexcareers.com" website.

Mail exchanger (MX) records are set up under the <inditexmail.com> disputed domain name enabling the Respondent Tran Xuan Hai to send and receive emails. In early 2025, a third party contacted the Complainant to seek reimbursement of payments that it had made with a view to securing the transfer of a large monetary sum. The third party had received communications from the email address "[...]@inditexmail.com" and had been led to believe that the Complainant was responsible for the communications because each of the emails included the following fake disclaimer:

“The websites of INDITEX INC, including “inditex.com” but not limited to <https://www.inditex.com/itxcomweb/en/home>, <https://www.facebook.com/InditexCareers>, <https://www.pinterest.com/inditex/>, <https://x.com/inditexcareers>, <https://www.youtube.com/@InditexCareersOfficial>, (collectively, “Site”)” and together the “Website”). These Terms & Conditions (“Terms”) apply to the Websites or any Website owned or operated by INDITEX INC or its affiliates or subsidiaries Zara, Pull and Bear, Massimo Dutti, Bershka, Stradivarius, Oysho, Zara Home, Uterqüe. (collectively, “inditex.com”, “INDITEX”, “we”, “our”), link to these Terms, as well as the services provided by INDITEX, including this Website and any features, content, services or other applications provided by INDITEX from time to time in connection with the Website (collectively, the “Services”).

Questions about the Terms & Conditions should be sent to us at [...][@inditexmail.com](mailto:inditexmail.com)

CUSTOMER SERVICE

Website [inditex.com](https://www.inditex.com)

Hours Mon–Thu 9am–6pm
Fri 9am–3pm

Address
Avenida de la Diputación, 182, 15008 A Coruña, Spain.

© 1985-2024 INDITEX. ALL RIGHTS RESERVED”

5. Parties’ Contentions

A. Complainant

The Complainant contends that each of the disputed domain names is confusingly similar to its INDITEX trademark (the “Mark”), that the Respondents have no rights or legitimate interests in respect of the disputed domain names, and that the Respondents registered and are using the disputed domain names in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondents

The Respondents did not reply to the Complainant’s contentions.

6.1. Consolidation

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

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 addressing the Complainant's request, the Panel will consider whether (i) the disputed 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.

As regards common control, the Respondent Tran Xuan Hai is the registrant of the <inditexmail.com> disputed domain name and the Respondent Yu Shui Qing is the registrant of the other three disputed domain names. The Panel notes that the disclaimer at the foot of emails sent from an email address using the <inditexmail.com> domain name refers to the <inditex.com> disputed domain name which was registered one week before <inditexmail.com>. In the circumstances, the Panel is satisfied on balance that all four disputed domain names are under common control and that there is no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 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 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.

Ignoring the generic Top-Level Domain ".com", each of the disputed domain names comprises the entirety of the Mark, with, variously, the insertion of the letter "t", or the addition of the terms "shop" and the letter "e", or the terms "tap" or "mail". The Panel finds that the addition of these letter or terms does not prevent a finding of confusing similarity between each of the disputed domain names and the Mark. [WIPO Overview 3.0](#), section 1.8. Accordingly, the Panel finds that each of the disputed domain names is confusingly similar to a trademark in which the Complainant has rights, and the first element of the Policy has been established for each of them.

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. Accordingly, 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.

The Complainant has made out a strong prima facie case that the Respondent could have no rights or legitimate interests in respect of the disputed domain names. The Respondent has used the disputed domain names not in connection with a bona fide offering of goods or services, but for a) websites impersonating the Complainant, featuring the Complainant's various brands and offering entry to a fictitious Complainant award; or b) a mail server enabling emails to be sent impersonating the Complainant,

apparently for fraudulent purposes. There is no suggestion that the Respondent has ever been known by the disputed domain names. The Respondent has chosen not to respond to the Complainant or to take any steps to counter the prima facie case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of any of the disputed domain names.

The Panel finds the second element of the Policy has been established in the case of all four disputed domain names.

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.

In the present case, each of the disputed domain names comprises the entirety of the Mark with minor additions and has been used for websites impersonating the Complainant or for a mail server used to send emails impersonating the Complainant. Accordingly, the Panel is in no doubt that the Respondent had the Complainant and its rights in the INDITEX mark in mind when it registered each of the disputed domain names.

As noted above, three of the disputed domain names have been used for websites impersonating the Complainant and the fourth to send emails leading the recipient to believe that they were sent by the Complainant. The legitimate inference is that the Respondent registered the disputed domain names to use them in these ways for commercial gain.

Having reviewed the evidence, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy and 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 names <inditex.com>, <inditexmail.com>, <inditexshope.com> and <inditextap.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: July 29, 2025