

## **ADMINISTRATIVE PANEL DECISION**

Koninklijke Douwe Egberts B.V. v. Andre Nascimento  
Case No. D2025-2364

### **1. The Parties**

The Complainant is Koninklijke Douwe Egberts B.V., Netherlands (Kingdom of the), represented by Ploum, Netherlands (Kingdom of the).

The Respondent is Andre Nascimento, Brazil.

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

The disputed domain name <lorcafebrasil.com> is registered with Squarespace Domains LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 16, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 ("Unknown") and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 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 amended Complaint on June 18, 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 Respondent of the Complaint, and the proceedings commenced on June 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 10, 2025.

The Center appointed Delia-Mihaela Belciu 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.

#### **4. Factual Background**

The Complainant is part of Jacobs Douwe Egberts, often abbreviated as JDE.

Jacobs Douwe Egberts was formed in 2015 by merging D.E Master Blenders, founded in 1753, and the coffee division of Mondelez International.

Jacobs Douwe Egberts is part of JDE Peet's, a large play coffee and tea company, headquartered in The Netherlands. The group's coffee and tea portfolio is available in over 100 countries around the world and are sold in, inter alia Europe and North America.

Jacobs Douwe Egberts's trademark portfolio consists of many household brands including JACOBS, TASSIMO, MOCCONA, SENSEO, L'OR, DOUWE EGBERTS, TIÓRA, SUPER, KENCO, PILAO & GEVALIA.

L'OR was developed in 1992 with the goal of making high quality coffee available to the public, being JDE's premium brand for coffee and one of the JDE' key brands. Since 2010, the L'OR branded coffee products of JDE are available worldwide in almost all countries in the world.

The Complainant (as the trademark proprietor of the JDE group) is the owner of a large number of trademark registrations worldwide, consisting of or including the element L'OR, among which:

- Brazilian national verbal trademark No. 830577025 for L'OR, registered on August 26, 2014, for goods in class 30;
- International trademark registration No. 1293498 for L'OR, registered on February 9, 2016, for goods in class 30, in several jurisdictions;
- International trademark registration No. 1356297 for L'OR, registered on May 11, 2017, for goods in class 11, in several jurisdictions.

The Complainant owns and operates websites at numerous domain names incorporating the L'OR mark, e.g., for its official website <lorespresso.com>, domain name registered on November 3, 2009, <lorespresso.nl>, domain name registered on April 2, 2010, <lorespresso.co.uk> domain name registered on April 2, 2010, <lorcafe.com.br>, domain name registered on January 9, 2017, etc.

The disputed domain name was registered on February 2, 2025 and resolved at the time when the Complaint was filed to an active website impersonating the Complainant, allegedly marketing and selling L'OR branded coffee products, whilst largely displaying the Complainant's L'OR trademark. From the Complainant's submissions, the website corresponding to the disputed domain name had copied the look-and-feel of and even the texts from the official website of the Complainant <lorespresso.com>.

#### **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:

(i) the disputed domain name is confusingly similar to its L'OR trademark, as it incorporates the L'OR trademark in its entirety, to which the Respondent has added the descriptive term "café" as well as the geographical term "Brasil";

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which that, (1) the Respondent is not commonly known under the name "LOR", "LORCAFE", or "LORCAFEBRASIL", nor has the Respondent acquired any trademark or service mark rights with respect to these denominations; (2) the Respondent is not affiliated with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to use the L'OR trademark or to register a domain name incorporating the L'OR trademark; (3) the Respondent does not make demonstrable use of the disputed domain name in connection with a bona fide offering of goods and services as the website corresponding to the disputed domain name was impersonating the Complainant, allegedly marketing and selling L'OR branded coffee products, whilst largely displaying the Complainant's L'OR trademark. From the Complainant's submissions, the website corresponding to the disputed domain name had copied the look-and-feel of and even the texts from the official website of the Complainant <lorespresso.com>. The Complainant also asserts that, at the contact information provided in the footer of this website, the Respondent called its company "L'OR", and in the privacy policy, the Respondent referred to itself as "lorcafebrasil";

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, among which that, (1) the Respondent registered the disputed domain name with the knowledge of the Complainant's L'OR trademark which is well-reputed and widely recognized; (2) the Respondent's registration and use of the disputed domain name shows the Respondent's intent to rely on a risk of confusion with the Complainant's activity and the L'OR trademark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name and the website associated with it; (3) the use of a "privacy service" to mask the information in the Whois databases as to the identity of the Respondent is an indication of bad faith, in the Complainant's view.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order for the Complainant to succeed, such must prove, according to paragraph 4(a) of the Policy, that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. Thus, 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 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The entirety of the L'OR mark is reproduced within the disputed domain name without the apostrophe between the letters "L" and the group letters "OR" with the addition of the descriptive term "cafe", which corresponds to the Complainant's activity, and of the geographical term "brasil". 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 terms "cafe" and "brasil" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 what concerns the addition of the generic Top-Level Domain ("gTLD") ".com" in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds that 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.

The Respondent is not an affiliate of, nor a licensee of, nor has received any authorization from the Complainant to make use of its L'OR mark in the disputed domain name. The disputed domain name comprises the Complainant's L'OR mark in its entirety without the apostrophe between the letters "L" and the group letters "OR" with the addition of the descriptive term "cafe", which corresponds to the Complainant's activity, and of the geographical term "brasil", which could suggest a location of the Complainant or of its business interests/activity. Based on the available evidence, the disputed domain name resolved at the time when the Complaint was filed to an active website impersonating the Complainant, allegedly marketing and selling L'OR branded coffee products, whilst largely displaying the Complainant's L'OR mark. From the Complainant's submissions, the website corresponding to the disputed domain name had copied the look-and-feel of and even the texts from the official website of the Complainant <lorespresso.com>.

Panels have held that the use of a domain name for illegal activity, in this case here, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, based on the evidence available in the file, the Respondent does not seem to be commonly known under the name “LOR”, “LORCAFE”, or “LORCAFEBRASIL”, nor that the Respondent acquired any trademark or service mark rights with respect to these denominations.

The above does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

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.

In the present case, the Panel notes that the Complainant's rights in the L'OR mark predate the registration date of the disputed domain name.

In light of the above as well as of the distinctive character of the L'OR mark, the Panel finds that it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's L'OR mark, which supports a finding of bad faith registration. [WIPO Overview 3.0](#), section 3.2.2.

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 this case, the Panel notes the composition of the disputed domain name which comprises the Complainant's L'OR mark in its entirety without the apostrophe between the letters “L” and the group letters “OR”, with the addition of the descriptive term “cafe”, which corresponds to the Complainant's activity, and of the geographical term “brasil”, which could suggest a location of the Complainant or of its business interests/activity, as well as the use of the disputed domain name, at the time when the Complaint was filed, to an active website impersonating the Complainant. This website allegedly was marketing and selling L'OR branded coffee products, whilst largely displaying the Complainant's L'OR mark, copying the look-and-feel of and even the texts from the official website of the Complainant <lorespresso.com>, without an authorization from the Complainant and without any disclaimer as to the lack of any relationship with the Complainant. All these suggest that the Respondent intended to attract Internet users to a false website for, or otherwise associated with the Complainant, by intentionally creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website and the products offered and promoted through said website, which support a finding of bad faith registration and use according to paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), sections 3.1.4.

Moreover, Panels have held that the use of a domain name for such activity, such as impersonation/passing off, as applicable to this case, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <lorcafebrasil.com> be transferred to the Complainant.

*/Delia-Mihaela Belciu/*

**Delia-Mihaela Belciu**

Sole Panelist

Date: July 28, 2025