

ADMINISTRATIVE PANEL DECISION

Heppner Societe de Transports v. Marc Van Dongen Case No. D2025-2589

1. The Parties

The Complainant is Heppner Societe de Transports, France, represented by Novagraaf France, France.

The Respondent is Marc Van Dongen, United States of America.

2. The Domain Name and Registrar

The disputed domain name <heppner-group.info> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 3, 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 July 4, 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 July 4, 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 July 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2025.

The Center appointed Michael D. Cover as the sole panelist in this matter on July 29, 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 French company, founded in 1988. The Complainant is a specialist creator of transport and logistics solutions from and to France. The Complainant's overland transport networks connect more than 40 European countries, with deliveries in 24-72 hours to the main European cities. With strong international business connections, the Complainant's exclusive partnership agreements also enable the Complainant to handle ocean and air transport to and from 157 countries around the world. The Complainant had a turnover of EUR 1,029 billion in 2022 and currently employs more than 3,750 people and has close to 80 branches in France and 14 in Germany and presence in the Netherlands, Spain, Belgium, Switzerland, Hungary, the United Kingdom, and Senegal, with more than 10,000 customers.

The Complainant is the proprietor of the trademarks GROUPE HEPPNER and registered as follows:

- France No 1609348 GROUPE HEPPNER (& device) registered on January 18, 1991, Class 39
- International Trademark No 565363 GROUPE HEPPNER (& device) registered on January 2, 1991, Class 39
- France No 1372597 HEPPNER registered on March 6, 1987, Classes 36 and 39

The Complainant is also the proprietor and user of the following domain names:

<heppner-group.com> registered on February 27, 2019
<groupe-heppner.fr> registered August 30, 2001
<groupe-heppner.net> registered March 12, 2007
<groupe-heppner.com> registered July 8, 1997

The Disputed Domain Name was registered on April 17, 2025.

Although the Disputed Domain Name resolves to a website which features the words "Launching Soon", the disputed domain name has been used in connected with fraudulent emails sending false invoices and transport orders.

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.

Identical or Confusingly Similar

Notably, the Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's trademarks and domain names, because the Disputed Domain Name is composed by the distinctive and dominant element of the Complainant's rights, namely HEPPNER and the word "group", which is very close to the word "groupe" in the Complainant's trademarks.

Therefore, continues the Complainant, due to the reproduction of the Complainant's well-known trademarks and domain names, Internet users will obviously and wrongly conclude the Disputed Domain Name belongs to the Complainant or has been registered in its name or for its account. The Complainant submits that the likelihood of confusion is therefore undeniable and is reinforced by the high notoriety enjoyed by the Complainant in France and all over the world.

Consequently, concludes the Complainant, in view of all the circumstances, the Panel will find that the requirements of paragraph 4(a)(i) of the Policy are satisfied and the Disputed Domain Name is identical or at least confusingly similar to trademarks and domain names in which the Complainant has rights.

Rights or Legitimate Interests

The Complainant notes that, according to section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), while 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 often impossible task of proving a negative. The Complainant continues that, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of proof on this element shifts to the respondent to come forward with the relevant evidence demonstrating its rights or legitimate interests in the domain name and, if the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant notes that it has never authorized the Respondent to use its trademark, in a domain name or otherwise. The Complainant continues that there is no evidence that the Respondent is commonly known by the Disputed Domain Name and submits that record indicates that the Respondent is neither using the Disputed Domain Name in connection with a bona fide offering of goods and services nor making a legitimate or fair use of the Disputed Domain Name.

Consequently, says the Complainant, in view of all the above circumstances, the Panel will find that the requirements of paragraph 4(a)(ii) of the Policy are satisfied and the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Registered and Used in Bad Faith

The Complainant lists a number of factors, which it states, if found by the Panel to be present, shall be evidence of registration and use of a domain name in bad faith. The Complainant notes that its HEPPNER and GROUPE HEPPNER trademarks, which the Respondent has reproduced in the Disputed Domain Name are inherently distinctive and predate the registration of the Disputed Domain Name by years. The Complainant adds that it is unlikely that the Respondent was unaware of the Complainant and its registered trademarks when the Respondent registered the Disputed Domain Name and that it is unlikely that the Respondent registered the Disputed Domain Name for any other reason than to target the Complainant's trademark by confusing Internet users or clients of the Complainant.

The Complainant also notes that fraudulent emails have been sent with fake invoices and transport orders and that the documents and emails are fraudulent because they originate from infrastructure associated with the disputed domain name, the content of the emails closely mimics legitimate communication from the Complainant and the phishing emails are actively reaching victims and present a clear risk of fraud and identity theft.

The Complainant submits that, in view of all the circumstances, the Panel will find that the requirements of paragraph 4(a)(iii) of the Policy are satisfied and that the Respondent has clearly registered and used the Disputed Domain Name in bad faith.

The Remedy Requested by the Complainant

The Complainant requests that the Panel decide 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

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; that the Respondent has no rights or legitimate interests in the Dispute Domain Name; and that the Disputed Domain Name has been registered and is being used in bad faith.

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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Almost 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.

It is also well-established in prior UDRP Decisions that the applicable Top-Level Domain ("TLD"), in this case ".info", is a standard registration requirement and is to be ignored in considering confusing similarity.

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. In particular, the Respondent has not, before any notice of the dispute, made use of or demonstrable preparation to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods and services; has not been commonly-known by the Disputed Domain Name; and has not made legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

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

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 Respondent was using the Disputed Domain Name intentionally to attempt to attract, for commercial gain Internet users, by creating a likelihood of confusion with the Complainant's trademark.

Panels have held that the use of a domain name for illegitimate activity, here, impersonation/passing off, or other types of fraud 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 <heppner-group.info> be transferred to the Complainant.

/Michael D. Cover/

Michael D. Cover

Sole Panelist

Date: August 8, 2025