

ADMINISTRATIVE PANEL DECISION

Bongards' Creameries v. Name Redacted
Case No. D2025-2839

1. The Parties

The Complainant is Bongards' Creameries, United States of America ("United States"), represented by Lathrop GPM LLP, United States.

The Respondent is Name Redacted.¹

2. The Domain Names and Registrar

The disputed domain names <b0ngards.net> and <b0ngards.org> are 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 July 17, 2025. On July 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 18, 2025, the Registrar 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 (Domains By Proxy, LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 21, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) 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 July 22, 2025.

¹ The Respondent appears to have used the name and/or contact details of a third party when registering the disputed domain names. 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 names, which includes the name of the Respondents. 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Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.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](#).

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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 18, 2025.

The Center appointed Clark W. Lackert as the sole panelist in this matter on August 20, 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 farmer-owned cooperative company founded in 1908, specializing in cheese and cheese products. Its principal trademark is BONGARDS (the “Mark”), which has been registered in the United States as follows:

Jurisdiction	Registration Number (type)	Registration Date
United States	4427984 (word)	November 5, 2013
United States	5584202 (stylized)	October 16, 2018

The disputed domain name <b0ngards.org> was registered on June 6, 2025 and the disputed domain name <b0ngards.net> was registered on July 16, 2025. The disputed domain name <b0ngards.org> has been used to send fraudulent emails, and the disputed domain name <b0ngards.net> was resolving to an inactive page.

5. Parties’ Contentions

A. Complainant

The disputed domain names are confusingly similar to the Complainant’s registered trademarks. The disputed domain names incorporate the Complainant’s registered marks in their entirety. The replacement of the letter “o” with the number “0” to the disputed domain names does not distinguish the disputed domain names from the Complainant’s registered trademarks. By registering the disputed domain names, the Respondent has engaged in, among other legal violations, cybersquatting and typosquatting.

The Respondent (i) does not own any trademark or service mark registrations encompassing the BONGARDS name, nor any variations thereof; (ii) is not commonly known by the disputed domain names; and (iii) is not making a legitimate noncommercial or fair use of the disputed domain names. In addition, the Respondent has used the disputed domain name <b0ngards.org> with intent to mislead consumers and engage in fraudulent behavior whereby the Respondent poses as the Complainant in an effort to scam consumers from the goods offered under the BONGARDS marks. Accordingly, the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

By way of background, the Complainant filed a complaint with the Center against an identical second-level domain “b0ngards” having a “.com” top-level domain. See *Bongards’ Creameries v. Name Redacted*, WIPO Case No. [D2025-1995](#). The panel in that proceeding found that the Complainant established each element of the Policy and ordered the domain name <b0ngards.com> be transferred to complainant. Specifically, the

panel determined that the domain name <b0ngards.com> was confusingly similar to the Complainant's trademark registrations, the respondent² lacked rights or legitimate interests in the domain name, the respondent engaged in "typosquatting" and misrepresented itself as an employee of the Complainant in furtherance of a fraudulent phishing email scheme.

The Respondent's registration of the disputed domain names, which incorporate the BONGARDS trademark in its entirety, suggests that the Respondent knew of the prior use and rights of the Complainant. Indeed, as mentioned above, the disputed domain names were registered just weeks after the Complainant's complaint against an identical second-level domain in WIPO Case No. [D2025-1995](#). Thus, the proximity of these events suggests that the Respondent is the same and again using a false identity. See *above*, WIPO Case No. [D2025-1995](#).

Furthermore, the Respondent is using the disputed domain names to intentionally attempt to attract, for commercial gain, payment from the Complainant's customers or other financial crimes. The Respondent has used the Complainant's name in order to carry out this fraudulent phishing scheme and impersonate the reputations, services, and employees of the Complainant. The Respondent's likely use of a false identity, is further evidence of bad faith at least because it indicates a calculated effort to hide the true identity of the impostors.

B. Respondent

The Respondent is in default and did not reply to the Complainant's contentions.

6. Discussion and Findings

Consolidation: Multiple Respondents

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. The disputed domain name registrants did not comment on the Complainant's request.

In support of its request, the Complainant submits that: (i) both disputed domain names intentionally replace the letter "o" in the Complainant's BONGARDS mark with the number "0"; (ii) both disputed domain names were registered within a six-week period; (iii) both disputed domain names misappropriate the names of actual employees of the Complainant in the registrant fields; (iv) both disputed domain names use contact email addresses with similar naming patterns; and (v) both disputed domain names use the same Registrar.

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.

The Panel sees a *prima facie* case for common control and 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.

² The panel noted, and the complainant confirmed, that the respondent registered the domain name <b0ngards.com> under a false identity.

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.

The Panel finds the Mark is recognizable within the disputed domain names, with the letter "o" in the Complainant's Mark being substituted with the confusingly similar number zero "0". Accordingly, the disputed domain names are confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 disputed domain names such as those enumerated in the Policy or otherwise.

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.

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 the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's Mark. Moreover, the Respondent used the disputed domain name <b0ngards.org> for fraudulent and illegal activity, namely, by sending phishing email to unsuspecting customers to obtain payments on illegitimate claims.

The disputed domain name <b0ngards.net> resolved to an inactive page. 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 notes the reputation of the Complainant's Mark, and the composition of the disputed domain name <b0ngards.net>, and finds that in the circumstances of this case the passive holding of the disputed domain name <b0ngards.net> does not prevent a finding of 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 names <b0ngards.net> and <b0ngards.org> be transferred to the Complainant.

/Clark W. Lackert/

Clark W. Lackert

Sole Panelist

Date: August 28, 2025