

## **ADMINISTRATIVE PANEL DECISION**

Lotus Bakeries N.V. v. van boone, lotusbakeries  
Case No. D2025-2857

### **1. The Parties**

The Complainant is Lotus Bakeries N.V., Belgium, represented by Gevers Legal NV, Belgium.

The Respondent is van boone, lotusbakeries, United States of America ("US").

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 18, 2025. On the same day, the Center transmitted a request for registrar verification. The Registrar confirmed the Respondent's details. The Center sent an email communication to the Complainant on July 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 amended Complaint on July 24, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 15, 2025.

The Center appointed Erica Aoki 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, founded in 1932, is a global company in the indulgent and natural snacking sector, with flagship products such as Lotus® Biscoff® cookies, as well as brands including nākd®, TREK®, BEAR®, and Kiddylicious®. The Complainant operates production facilities in Europe, the US, South Africa, and is expanding to Thailand. It has 23 sales organizations worldwide and achieved revenues of EUR 1.232 million in 2024.

The Complainant owns multiple trademarks for LOTUS BAKERIES and LOTUS, including:

- Benelux Registration No. 776059 (word mark LOTUS BAKERIES), filed October 28, 2005, registered November 7, 2005, class 30;
- US Registration No. 4725800 (LOTUS), filed March 26, 2014, registered April 28, 2015, class 30;
- Australia Registration No. 2168377 (LOTUS BAKERIES), registered in class 30.

The Complainant also holds trade name rights through longstanding use of “Lotus Bakeries” and operates websites such as <lotusbakeries.com>.

The disputed domain name was registered on May 25, 2025. WHOIS data shows the registrant as “lotusbakeries,” and even included the Complainant’s real corporate email address, thereby impersonating the Complainant.

Evidence also shows the Respondent used a contact email [...]@lotussbakeries.com, incorporating the surname of the Complainant’s CEO.

Currently, the disputed domain name does not resolve to an active site.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant contends that it has satisfied all three elements required under the Policy for a transfer of the disputed domain name.

First, the Complainant argues that the disputed domain name is confusingly similar to its well-known LOTUS BAKERIES trademark. The disputed domain name reproduces the Complainant’s trademark in its entirety, with the mere addition of an extra “s” in “Lotus”. This minor typographical variation does not avoid the finding of confusing similarity and is a classic example of typosquatting. UDRP panels have consistently held that such slight alterations, whether by adding or repeating a letter, remain confusingly similar to the complainant’s mark. The Complainant further emphasizes that its LOTUS and LOTUS BAKERIES trademarks are distinctive, long-established, and recognized internationally, and that Internet users encountering the disputed domain name will inevitably associate it with the Complainant.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant, has not been authorized to use the LOTUS or LOTUS BAKERIES marks in any way, and is not commonly known by the name “lotussbakeries.” To the contrary, the WHOIS information shows that the Respondent deliberately impersonated the Complainant by using “lotusbakeries” as the registrant’s name and by inserting the Complainant’s genuine corporate email address in the contact details. The Complainant provides evidence that the account associated with the disputed domain name was also linked to a fraudulent email address [...]@lotussbakeries.com,” which mirrors the typographical error in the domain and incorporates the surname of the Complainant’s CEO. Such conduct demonstrates clear impersonation and cannot confer any right or legitimate interest. Furthermore, the disputed domain name does not resolve to a legitimate website, and there is no indication of any bona fide offering of goods or services. Instead, the totality of the evidence points to an attempt to mislead or deceive.

Third, the Complainant argues that the disputed domain name was registered and is being used in bad faith. At the time of registration, the Respondent could not have been unaware of the Complainant's longstanding LOTUS and LOTUS BAKERIES marks, which are registered and used extensively worldwide, including in the US where the Respondent is purportedly located. The Respondent's use of a typosquatted version of the Complainant's corporate name, combined with impersonation of its CEO in the contact email, indicates an intent to exploit the goodwill of the Complainant's trademarks. Even though the disputed domain name does not currently resolve to an active website, UDRP panels have consistently held that passive holding in circumstances involving impersonation, deception, and the absence of any conceivable good faith use, constitutes bad faith registration and use. The Complainant submits that the Respondent's conduct falls squarely within paragraph 4(b)(iv) of the Policy, as it reflects an intentional attempt to create a likelihood of confusion for commercial gain or fraudulent purposes.

The Complainant requests that the disputed domain name be transferred to it.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## **6. Discussion and Findings**

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has demonstrated rights in the LOTUS and LOTUS BAKERIES trademarks through multiple trademark registrations, including Benelux Registration No. 776059 (LOTUS BAKERIES), US Registration No. 4725800 (LOTUS), and Australia Registration No. 2168377 (LOTUS BAKERIES). These registrations are sufficient to establish standing under the Policy.

The disputed domain name incorporates the Complainant's LOTUS BAKERIES trademark in its entirety, with the mere addition of a single extra letter "s" in "Lotus." Panels have consistently found that such minor typographical variations (commonly referred to as "typosquatting") do not prevent a finding of confusing similarity where the complainant's mark remains clearly recognizable ([WIPO Overview 3.0](#), sections 1.8 and 1.9).

Here, the Complainant's LOTUS BAKERIES mark is instantly identifiable within the disputed domain name. The addition of an extra "s" is a trivial modification that does not alter the plain recognizability of the Complainant's trademark.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark. The first element of paragraph 4(a) of the Policy is satisfied.

## **B. Rights or Legitimate Interests**

Under the Policy, paragraph 4(c), a respondent may demonstrate rights or legitimate interests in a domain name through, for example, evidence of use in connection with a bona fide offering of goods or services, or by being commonly known by the domain name. However, the burden shifts to the Respondent once a Complainant makes a prima facie case that no such rights exist. ([WIPO Overview 3.0](#), section 2.1).

The Complainant has showed that the Respondent is not affiliated with the Complainant, has never been authorized to use its LOTUS or LOTUS BAKERIES marks, and is not commonly known by the name "lotusbakeries."

The Complainant first became aware of the disputed domain name when it received automated emails from the Registrar, Squarespace, including a request to verify the registrant's contact information and a confirmation of the "purchase" of the domain name. Notably, these communications were sent to the Complainant's legitimate corporate email address.

This shows that the Respondent, when registering the disputed domain name, deliberately inserted the Complainant's real email address into the WHOIS data, thereby impersonating the Complainant and creating a false impression of association.

Moreover, the Registrar's records link the domain name to an account bearing the name of the Complainant's CEO. The Complainant confirms that no such email address exists within its organization. This address mirrors the typographical error in the disputed domain name (the extra "s" in LOTUS) and incorporates the surname of the Complainant's CEO further evidencing impersonation. Panels have consistently held that such use of typosquatting and impersonation is the obverse of legitimate noncommercial or fair use (see e.g., WIPO Case No. [D2000-0554](#), *Microsoft Corporation v. Global Net 2000, Inc.*; WIPO Case No. [D2006-1043](#), *Edmunds.com, Inc. v. Digi Real Estate Foundation*).

Panels have consistently held that impersonation and fraudulent misrepresentation in WHOIS details can never confer rights or legitimate interests ([WIPO Overview 3.0](#), section 2.13.1).

The Panel therefore concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The second element of paragraph 4(a) of the Policy is satisfied.

## **C. Registered and Used in Bad Faith**

To satisfy the third element under the Policy, the Complainant must demonstrate that the disputed domain name was both registered and is being used in bad faith (Policy, paragraph 4(a)(iii)).

The evidence clearly establishes that the Respondent was aware of the Complainant and its rights in the LOTUS and LOTUS BAKERIES trademarks at the time of registration. These trademarks are longstanding, distinctive, and well known internationally, including in the US where the Respondent is supposedly located.

The disputed domain name is a deceptive variation of the Complainant's own primary domain <lotusbakeries.com>, created by the addition of a single extra "s." This is a classic case of typosquatting, intended to mislead Internet users and to create confusion with the Complainant's genuine domain. Panels have consistently held that such practices constitute bad faith registration and use (see [WIPO Overview 3.0](#), section 3.1.4).

The record further shows that the Respondent impersonated the Complainant by inserting the Complainant's genuine corporate email address in the WHOIS data, thereby creating a false appearance of legitimacy. In addition, the Respondent used an email address linked to the disputed domain name which mirrors the typographical error in the domain name and incorporates the surname of the Complainant's CEO. Such conduct is clear evidence that the Respondent registered and used the disputed domain name for fraudulent purposes, potentially to deceive third parties or extort payment.

Even though the disputed domain name does not currently resolve to an active website, UDRP panels have consistently held that passive holding of a domain name in circumstances involving typosquatting, impersonation, and the absence of any conceivable good faith use constitutes use in bad faith ([WIPO Overview 3.0](#), section 3.3). Moreover, the deliberate use of the Complainant's identity in WHOIS and the CEO's surname in the associated email address demonstrates a calculated attempt at deception.

Given the Complainant's international reputation, the Respondent's impersonation through WHOIS data and email addresses, and the inherently fraudulent nature of typosquatting, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy is therefore satisfied.

## **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 <lotussbakeries.com> be transferred to the Complainant.

*/Erica Aoki/*

**Erica Aoki**

Sole Panelist

Date: August 28, 2025