

ADMINISTRATIVE PANEL DECISION

Laboratorios Ordesa, S.L. v. Tan Zhi Zhong (谭治中)
Case No. D2025-3057

1. The Parties

The Complainant is Laboratorios Ordesa, S.L., Spain, represented by Sugrañes, S.L.P., Spain.

The Respondent is Tan Zhi Zhong (谭治中), China.

2. The Domain Name and Registrar

The disputed domain name <blemilplusforte.com> is registered with eName Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 31, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 in English on August 7, 2025.

On August 5, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 7, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on August 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 30, 2025.

The Center appointed Xu Lin as the sole panelist in this matter on September 4, 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 Spanish company specializing in nutrition and health, works to research formulas that are close to breast milk, children and adult health supplements, and nutritional formulas. The Complainant has initiated a solid international expansion since 1999, and is already present in more than 30 countries within Europe, the Middle East, Latin America, and Asia.

The Complainant owns various trademarks for BLEMIL and BLEMIL PLUS FORTE, including the following:

- European Union trademark No. 000041319 for BLEMIL, registered on May 26, 1998 in classes 5 and 29;
- Spanish trademark No. M2191374 for BLEMIL PLUS FORTE, registered on April 20, 1999 in class 5; and
- Spanish trademark No. M2191375 for BLEMIL PLUS FORTE, registered on April 20, 1999 in class 29.

The domain name <blemil.com> resolves to the Complainant's official website displaying its products.

The Respondent is an individual based in China.

The disputed domain name was registered on June 18, 2025, and does not resolve to any website.

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:

The disputed domain name is identical or confusingly similar to trademarks in which the Complainant has rights, as:

- the disputed domain name is identical to the Complainant's BLEMIL PLUS FORTE trademarks;
- the disputed domain name incorporates the most distinctive and dominant element of the Complainant's sign, BLEMIL trademarks, which establishes confusing similarity.

Secondly, the Respondent has no rights or legitimate interests with respect to the disputed domain name, arguing that:

- the Complainant has not authorized, licensed or otherwise permitted the Respondent or any other to use its trademark;
- the Respondent does not appear to have used the disputed domain name in connection with a bona fide offering of goods or services;
- the Respondent's use of the disputed domain name is not fair nor legitimate given the high risk of confusion caused.

Finally, the disputed domain name was registered and is being used in bad faith for the following reasons:

- the disputed domain name reproducing and incorporating the Complainant's well established trademarks misleads users into believing the disputed domain name is associated with the Complainant, which by itself gives rise to a presumption of bad faith;
- the Respondent's passive holding of the disputed domain name prevents the Complainant from registering its own trademark in the corresponding domain name, thereby disrupting its online presence and commercial strategy;
- the Respondent has exhibited a consistent pattern of abusive domain name registrations, as evidenced by a recent UDRP case (*Blancpain SA v. Tan Zhi Zhong* (潭治中), WIPO Case No. [D2025-0506](#)).

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- The Complainant operates primarily in Spanish and English and is unable to participate meaningfully in a proceeding conducted in Chinese, and conducting the proceeding in Chinese would be procedurally unfair and inefficient;
- The disputed domain name uses English terms and Latin characters, indicating that the Respondent has at least a functional understanding of English;
- English is a neutral and widely used language for international domain name dispute resolution.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Substantive Issues

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 entirety of the mark BLEMIL PLUS FORTE is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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 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 disputed domain name is identical to the Complainant’s trademark BLEMIL PLUS FORTE, which carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The Complainant has not granted any license or right to the Respondent to use its trademark; there is no evidence that the Respondent has been commonly known by the disputed domain name, or used the disputed domain name in connection with a bona fide offering of goods or services; the Respondent is passively holding the disputed domain name and, therefore, this Panel considers that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

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’s aim in registering the disputed domain name was to profit from or exploit the Complainant’s trademark.

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.

According to the evidence provided by the Complainant, the trademarks BLEMIL and BLEMIL PLUS FORTE have been registered decades prior to the registration of the disputed domain name, and the trademark BLEMIL has been extensively used in connection with the Complainant’s products worldwide. The Panel finds therefore that on the balance of probabilities the Respondent was aware of the Complainant and its trademarks when registering the disputed domain name.

The Panel notes that Complainant has alleged a pattern of abusive domain name by the Respondent as the Respondent was found as bad faith in another UDRP case (*Blancpain SA v. Tan Zhi Zhong* (譚治中), WIPO Case No. [D2025-0506](#)). The Panel notes, however, that the Complainant's argument cannot be supported. It is instructive to look at the [WIPO Overview 3.0](#), section 3.1.2, which states the following consensus view: "UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration." The Complainant has provided only one instance, which is insufficient to establish a pattern of bad faith.

Panels have found that the non-use of a domain name (including a blank page) 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 distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name 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 name <blemilplusforte.com> be transferred to the Complainant.

/Xu Lin/

Xu Lin

Sole Panelist

Date: September 17, 2025