

## **ADMINISTRATIVE PANEL DECISION**

Yielder Group B.V., Allied Branding B.V. v. FlokiNET Ltd WhoisProtection  
FlokiNET Ltd WhoisProtection, FlokiNET Ltd  
Case No. D2025-3537

### **1. The Parties**

The Complainants are Yielder Group B.V., Netherlands (Kingdom of the) (“Netherlands”) and Allied Branding B.V., Netherlands, represented by La Gro B.V, Netherlands.

The Respondent is FlokiNET Ltd WhoisProtection FlokiNET Ltd WhoisProtection, FlokiNET Ltd, Seychelles.

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

The disputed domain name <werkenbijyielder.com> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 2, 2025. On September 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 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 (Dies Goorman) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 on September 15, 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 September 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 13, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on October 16, 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 following facts are undisputed.

The Complainants in this proceeding are Yielder Group B.V. together with Allied Branding B.V. (hereinafter jointly referred to in singular as the “Complainant”). Yielder Group B.V. is the operating company of and the sole shareholder in Allied Branding B.V. The business is operated in the Netherlands. The Complainant operates a website at “www.yielder.com”. According to the Complainant’s website, it is a provider of information technology and cybersecurity services and solutions.

The Complainant owns various trademark registrations, among others, the European Union trademark registration YIELDER (word), No. 018672367, registered on August 11, 2022, for services in classes 35, 36, 38, and 42.

The disputed domain name was registered on May 23, 2025, and at the time of filing the Complaint resolved to a website that provides a platform on which the Complainant is criticized in numerous posts.

#### **5. Parties’ Contentions**

##### **A. Complainant**

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

Notably, the Complainant contends the following.

The disputed domain name is confusingly similar to the Complainant’s trademark. The disputed domain name incorporates the Complainant’s trademark in its entirety, except for the (first) letter “e”, in combination with the words “werken bij” (in English “working at”) preceding the trademark.

Furthermore, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The disputed domain name was registered several years after the Complainant’s trademark was registered and put to genuine use. There is no evidence that the Respondent has been commonly known by the disputed domain name, nor has the Respondent demonstrated any bona fide offering of goods or services under the disputed domain name. Instead, the Complainant is under the impression that the Respondent is a former employee of the Complainant and has used the disputed domain name to publish misleading and defamatory content about the Complainant. Also, the composition of the disputed domain name and the content of the website to which it resolves would be misleading, as it suggests affiliation with the Complainant and its trademark. Besides that, the additional words “werken bij” suggest that the website contains a recruitment page affiliated to the Complainant, while this is not the case, and are therefore misleading the public.

Finally, according to the Complainant, the Respondent has registered and is using the disputed domain name in bad faith because the Respondent takes unfair advantage of and otherwise abuses the Complainant’s trademark. This is supported by a pattern of behavior whereby the Respondent repeatedly registered domain names incorporating the Complainant’s trademark shortly after receiving notice-and-takedown requests. This is unlawfully disrupting the business of the Complainant. Also, the Respondent concealed its identity using false or proxy details, supporting a finding of bad faith.

The Complainant has reasons to believe that the actual underlying Respondent is Dies Goorman, who together with the Respondent in this case, were the respondents in a case in which the Complainant was also the complainant and which related to inter alia the domain name <werkenbijyielder.com>, *Yielder Group B.V., Allied Branding B.V. v. Dies Goorman, FlokiNET Ltd, WhoisProtection, FlokiNET Ltd*, WIPO Case No. [D2025-1608](#).

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is English. 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 Dutch for several reasons, including the fact that the Complainant has sufficient reason to believe that the Respondent is a Dutch national who speaks the Dutch language.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion 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).

The Panel does not see a reason in this case to deviate from the language of the registration agreement. The Complainant is represented by professional counsel and has submitted a Complaint and has communicated with the Center in a way that shows sufficient command of the English language. Furthermore the (formal) Respondent is not based in the Netherlands and it is more likely to understand English than Dutch. In addition, the Respondent has not replied to the Complainant's contentions.

Having considered the 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 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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The only difference is that the first letter “e” included in the trademark is missing in the disputed domain name, which does not take away the high similarity. [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms, here “werken” and “bij” (which translates to “working at”), 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.

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 resolves to a website which is critical of the Complainant. The use of a domain name for fair use such as noncommercial free speech, may in principle support a respondent’s claim to a legitimate interest under the Policy. In order to find fair use, the respondent’s criticism must be genuine and noncommercial, in the sense of not being a pretext to hide another motive such as cybersquatting. Panels find that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark, even where such a domain name is used in relation to genuine noncommercial free speech. Panels tend to find that this creates an impermissible risk of user confusion through impersonation. [WIPO Overview 3.0](#), section 2.6.

The disputed domain name does not exclusively consist of the Complainant’s trademark but adds the terms “werken” and “bij” (which translates to “working at”). This composition of the disputed domain name suggests, in particular for a Dutch-speaking audience, that it refers to a website that belongs to the Complainant, in particular that it is a recruitment website. Therefore, the disputed domain name creates an impermissible risk of user confusion even though it is not an exact match with the Complainant’s trademark.

By suggesting a recruitment affiliation with the Complainant, the Panel finds that the Respondent’s use constitutes an attempt to attract audience by misleading Internet users as to the affiliation of its website. This is further reinforced by the fact that the Respondent and/or parties related to the Respondent, registered multiple domain names in the past in which the Complainant’s trademark was also fully incorporated and that various domain names which have been the subject of previous proceedings, redirect(ed) to each other. Therefore, there is an impermissible risk that this disputed domain name may be used in the future as a

pretextual attempt to attract Internet users, which does not confer rights and legitimate interests upon the Respondent

Considering the overall circumstances of this case, the Panel finds that the Respondent's use seems to be a pretextual attempt to attract Internet users and that the second element of the Policy has thus been established.

The Panel finds the second element of the Policy has been established.

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

The Panel refers to its considerations under 6.2.B and 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.

The Panel finds that it is inconceivable that the Respondent has registered the disputed domain name without any knowledge of the Complainant and its trademark, and with intent to target this trademark. The Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of the Complainant. This supports a finding of bad faith, which is reinforced by the fact that the composition of the Domain Names and the content of the website explicitly suggest an affiliation with the Complainant. [WIPO Overview 3.0](#), Section 3.1.

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 <werkenbijyilder.com> be cancelled.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: October 21, 2025