

## **ADMINISTRATIVE PANEL DECISION**

Koninklijke Douwe Egberts B.V. v. userdc dger  
Case No. D2025-3866

### **1. The Parties**

The Complainant is Koninklijke Douwe Egberts B.V., Netherlands (Kingdom of the), represented by Ploum, Netherlands (Kingdom of the).

The Respondent is userdc dger, United States of America ("United States").

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

The disputed domain names <tassimosale.shop> and <tassimostore.shop> are registered with Spaceship, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 23, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 24, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 25, 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 25, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 21, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on October 27, 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 part of JDE Peet group, which holds a coffee and tea portfolio including brands such as Jacobs, Tassimo, Moccona, Douwe Egberts, etc. Under TASSIMO brand the Complainant offers coffee pods and coffee machines. According to the Complainant, its TASSIMO brand is widely known in the United Kingdom, United States and European Union.

The Complainant is the owner of a number of registered trademarks for the TASSIMO trademark throughout the world, including the following:

- European Union Trademark Registration No. 005416458 for TASSIMO, registered on August 20, 2007;
- International Trademark Registration No. 782380 for TASSIMO, registered on June 18, 2002; and
- International Trademark Registration No. 1356617 for TASSIMO (word/device), registered on April 21, 2017.

Furthermore, the Complainant owns a number of domain name registrations containing TASSIMO trademark, such as <tassimo.com>, registered on July 22, 2002, and used for the Complainant's principal website.

The disputed domain name <tassimosale.shop> was registered on July 5, 2025, while the disputed domain name <tassimostore.shop> was registered on July 24, 2025. At the time of filing of the Complaint, both disputed domain names used to resolve to websites of very similar layout named "Tassimo" which offered various coffee products (including those of the Complainant, bearing TASSIMO trademark) at discounted prices. At the time of this decision, both disputed domain names resolve to inactive webpages.

#### **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 names.

Notably, the Complainant contends that the disputed domain names are clearly confusingly similar to its TASSIMO trademarks. The addition of descriptive terms such as "sale" and "store" does not prevent a finding of confusing similarity. Similarly, the generic Top-Level Domain ("gTLD") ".shop" should not be taken into account when assessing confusing similarity.

With reference to rights or legitimate interests in respect of the disputed domain names, the Complainant contends that there is no affiliation with the Respondent and that no license or authorization has been given by the Complainant to the Respondent, to use its TASSIMO trademark. The Respondent is also not commonly known under the disputed domain names. The Respondent is not authorized reseller or distributor of the Complainant and if the Oki Data test (laid down in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) would apply to the Respondent, he would not satisfy the criteria of this test due to offering of products of other producers and due to lack of accurate disclosure of the Respondent's (non-existing) relationship with the Complainant. The structure of the disputed domain names also carries a risk of false affiliation with the Complainant.

With reference to the circumstances evidencing bad faith, the Complainant indicates that its TASSIMO trademark is well-known and distinctive and given the great similarities between the trademark and the disputed domain names, the Respondent must have been aware of the Complainant, its TASSIMO trademark, the Complainant's official domain names, the goodwill associated with it, as well as the goods and services for which the TASSIMO trademark is registered, when registering the disputed domain names. As the disputed domain names were connected to unauthorized commercial websites offering, among others, the Complainant's TASSIMO products for sale at the discounted prices, the Complainant holds that Respondent was using the disputed domain names to rely on a risk of confusion with the Complainant's activities as to the source, sponsorship, affiliation, or endorsement of the disputed domain names and the websites associated with them.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- (i) that the disputed domain names registered by the respondent are identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names have been registered and are 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 names. 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 Complainant's trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "sale" and "store" respectively) 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 names and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that the gTLD ".shop", can be disregarded in the assessment of the confusing similarity between the disputed domain names and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s TASSIMO trademark or any variation thereof. There appears to be no element from which the Panel could infer the Respondent’s rights and legitimate interests in the disputed domain names, or that the Respondent might be commonly known by the disputed domain names.

Based on the undisputed evidence provided by the Complainant, the Respondent has used the disputed domain names for an unauthorized online store that purports to offer for sale the Complainant’s TASSIMO products, along with coffee products of other producers. The Panel holds that the Respondent’s use of the disputed domain names does not meet the Oki Data Test requirements (as established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), because the websites did not disclose the lack of relationship between the Respondent and the Complainant and because they were not used to sell only the trademarked goods, but the goods of other producers as well. [WIPO Overview 3.0](#), section 2.8.

The Panel also finds that the structure of the disputed domain names, which contains the Complainant’s TASSIMO trademark in its entirety in combination with words “sale” and “store”, carries a risk of implied affiliation, especially having in mind that these words are closely associated with the Complainant’s activities. [WIPO Overview 3.0](#), section 2.5.1

Having in mind the above, 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 must have been well-aware of the Complainant and its TASSIMO trademark at the time of the registration of the disputed domain names. It should be borne in mind that the registration and use of TASSIMO trademark predates the registration of the disputed

domain names by at least 20 years, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain names. Furthermore, the content of the websites to which the disputed domain names used to resolve leaves no room for a doubt on the Respondent's knowledge of the Complainant and its TASSIMO trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain names.

Due to the above, the Panel finds that the disputed domain names have been registered in bad faith.

As previously indicated, based on the undisputed evidence provided by the Complainant, the disputed domain names were used for unauthorized online stores that purports to offer for sale the Complainant's TASSIMO products, along with coffee products of other producers. The Panel considers such use of the disputed domain names as evidence of bad faith indicating that the Respondent has used confusingly similar disputed domain names primarily with the intention of attempting to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of such website, or of a product or service on such websites.

While the disputed domain names no longer resolve to active websites, such inactivity does not prevent a finding of bad faith given the totality of the circumstances of the case at hand. [WIPO Overview 3.0](#), section 3.3.

Therefore, the Panel finds that the disputed domain names have been both registered and are being used in bad faith, and consequently 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 <tassimosale.shop> and <tassimostore.shop> be transferred to the Complainant.

*/Stefan Bojovic/*

**Stefan Bojovic**

Sole Panelist

Date: November 10, 2025