

## **ADMINISTRATIVE PANEL DECISION**

Lenzing AG v. laurence Abbey

Case No. D2025-4093

### **1. The Parties**

The Complainant is Lenzing AG, Austria, represented by Markmonitor, United States of America ("United States").

The Respondent is laurence Abbey, United States.

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

The disputed domain name <lenzlng.com> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 7, 2025. On October 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 10, 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 October 16, 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 October 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 7, 2025.

The Center appointed Daniel Peña as the sole panelist in this matter on November 13, 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 an Austrian company engaged in the global textile and nonwovens industry. With more than 75 years of expertise in fiber production, its origins trace back to 1892 when Emil Hamburger operated a paper mill in Lenzing, Austria.

Its core business is the manufacture of man-made cellulose fibers derived from natural wood resources, marketed under the TENCEL, VEOCEL, and LENZING brands. These products are recognized for their biodegradability and versatility in applications ranging from fashion to hygiene. Lenzing positions itself as a sustainability-driven innovation leader in wood-based fibers.

The Complainant maintains production facilities and branch offices worldwide, including in Europe (Austria, Czech Republic, Germany, United Kingdom), Asia (China, Indonesia, Singapore, Hong Kong, China), and the Americas (United States, Brazil).

The Complainant is the owner of numerous trademark registrations worldwide for the mark LENZING. Its portfolio includes, inter alia:

- Austria: Registration No. 161782 (registered on September 28, 1995, duly renewed), covering a broad range of goods and services in classes 1, 7, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 42.
- International: Registration No. 838292 (registered on November 19, 2004, duly renewed), covering classes 22, 23, 24, and 25.
- International: Registration No. 1439337 (registered on November 7, 2018), covering class 1.
- United States: Registration No. 5766592 (registered on June 4, 2019, duly renewed), covering a wide spectrum of goods and services in classes 1, 3, 5, 7, 9–12, 16–28, 34, 35, 39, 40, and 42.
- United States: Registration No. 6459143 (registered on August 24, 2021, duly renewed), covering goods and services in classes 1, 3, 5, 9, 10, 12, 16, 17, 20–25, and 27.

The disputed domain name was registered on November 21, 2024 and it resolves to a parking page.

#### **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.

The Complainant submits that the disputed domain name <lenzIng.com> is confusingly similar to its well-known LENZING trademark. The mark is clearly recognizable within the disputed domain name, and the substitution of the letter “i” with the letter “I” represents a mere misspelling of the Complainant’s mark. Such alteration does not prevent a finding of confusing similarity. Panels have consistently held that minor typographical variations, commonly referred to as “typosquatting”, create domain names that are virtually identical or confusingly similar to the complainant’s trademark.

The Complainant emphasizes that its LENZING trademark has been registered for more than 25 years and actively used for over 50 years, acquiring global fame and consumer recognition. Internet users are accustomed to associating the mark with the Complainant’s goods and services. In this context, the disputed domain name is highly likely to mislead users into believing that it is associated with the

Complainant.

The addition of the generic Top-Level Domain (“gTLD”) “.com” does not affect the assessment of confusing similarity, as it is a standard registration requirement and disregarded under the first element test. Once the gTLD is set aside, the disputed domain name remains confusingly similar to the Complainant’s LENZING trademark. Accordingly, the Complainant contends that the requirements of Paragraph 4(a)(i) of the Policy are satisfied.

The Complainant further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant, nor has it been authorized or licensed to use the LENZING trademark or to register any domain name incorporating it.

The Complainant also highlights that the Respondent provided false contact information, impersonating a third party, and appears to have engaged in a pattern of abusive domain name registrations. Such conduct, combined with the absence of any plausible good-faith use, reinforces the conclusion that the Respondent lacks rights or legitimate interests in the disputed domain name.

The disputed domain name has resolved to a parking page since its registration, and there is no evidence of use in connection with a bona fide offering of goods or services. The Respondent has not been commonly known by the names “LENZING” or “LENZLNG”, nor has it secured any trademark rights in those terms. In line with established UDRP practice, once the Complainant makes a prima facie showing that the Respondent lacks rights or legitimate interests, the burden shifts to the Respondent to demonstrate otherwise. In this case, the Respondent has failed to provide any evidence of legitimate rights or interests.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. Considering these requirements, the Panel rules as follows.

### **A. Identical or Confusingly Similar**

The Panel holds that the disputed domain name is confusingly similar to the Complainant’s trademarks LENZING. The Respondent’s incorporation of a typo-variant of the Complainant’s trademarks in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant’s marks. Mere substitution of letter “l” with the letter “i” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s marks.

The Complainant has provided evidence of its rights in the trademarks on the basis of its multiple LENZING trademark registrations in the United States, Austria as well as International registrations. A trademark registration provides a clear indication that the Complainant has trademark rights for purposes of standing to file a UDRP case (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1). It has also been established by prior UDRP panels that when a trademark is sufficiently recognizable in a domain name it will be considered confusingly similar to the trademark. Such findings were confirmed, for example, within sections 1.7 and 1.9 of the [WIPO Overview 3.0](#). Further, the addition of the gTLD “.com” to the disputed domain name is a standard registration requirement and as such is disregarded.

The Panel is satisfied that the disputed domain name is confusingly similar to the Complainant's mark and the Complainant has satisfied the requirement of paragraph 4(a)(i) of the Policy.

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

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see section 2.1 of the [WIPO Overview 3.0](#)). The Complainant has made a prima facie showing that the Respondent does not have any rights or legitimate interests in the disputed domain name, including by asserting that the Respondent is not affiliated with it in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Panel notes that the Respondent has not filed any response and thus did not deny the Complainant's assertions, nor brought any information or evidence demonstrating any rights or legitimate interests.

Accordingly, the Panel finds that the Complainant satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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

Paragraph 4(b) of the Policy stipulates that any of the following circumstances, inter alia, shall be considered as evidence of the registration and use of a domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or (iii) circumstances indicating that the respondent registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

With regard to the bad faith at the time of registration, the Panel notes that it is not likely that the Respondent was not aware of the Complainant and its trademark. On the contrary, the Panel finds that it is likely that the Respondent was aware of the Complainant and its rights and reputation in the LENZING mark at the time the disputed domain name was registered. Bad faith can be presumed based on the widely evidenced recognition of the Complainant's marks and typosquatting nature of the disputed domain name (discussed further below), such that the Respondent was most likely aware of the Complainant's well-known marks and related rights.

The Panel finds that the Respondent has registered the disputed domain name that contains the Complainant's trademark LENZING, with mere substitution of the letter "i" with the letter "l". This kind of conduct is considered as an act of typosquatting or registering a domain name that is a common misspelling of a mark in which a party has rights and has often been recognized as evidence of bad faith registration.

See *Paragon Gifts, Inc. v. Domain.Contact*, WIPO Case No. [D2004-0107](#) (citing *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)); and *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#) (finding that the practice of typosquatting is evidence of bad faith). The Panel concurs with this approach. In the Panel's view, the Complainant's mark is widely known and registration by the unrelated Respondent creates a presumption of bad faith in this case. On this subject, section 3.1.4 of the [WIPO Overview 3.0](#) says: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos [...]) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

On the other hand, from the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding; see the [WIPO Overview 3.0](#), section 3.3. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use, (iii) the respondent's concealing its identity or use of false contact details and; (iv) the implausibility of any good faith use to which the domain name may be put.

Applying these factors to the circumstances of these proceedings: (i) the Complainant has provided evidence which establishes, for the purpose of the Policy, that its trademark is distinctive in the context of the services for which it is registered; (ii) the Respondent has not provided a reply to the Complainant's contentions nor is there any evidence of actual or contemplated good faith use of the disputed domain name; (iii) the Respondent has sought to conceal its identity by the provision of false registration details; and (iv) there is nothing in the record which indicates the Respondent's intention to put either disputed domain name to a good faith use.

Accordingly, 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. Having reviewed the record, and for the reasons set out above, the Panel finds the Respondent's registration and use of the disputed domain name has been in bad faith.

## 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 <lennng.com> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: November 25, 2025