

## **ADMINISTRATIVE PANEL DECISION**

LEGO Holding A/S v. Phil Holzer

Case No. D2025-4274

### **1. The Parties**

The Complainant is LEGO Holding A/S, Denmark, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Phil Holzer, United States of America ("United States").

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

The disputed domain name <bricklego.store> (the "Domain Name") is registered with Spaceship, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 17, 2025. On October 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy Ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 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 October 22, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 17, 2025.

The Center appointed Jacques de Werra as the sole panelist in this matter on December 3, 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, which was founded in Denmark in 1932, makes and sells branded toys under the LEGO trademark throughout the world via a network of subsidiaries and branches including five main hubs, 37 sales offices, five manufacturing sites and over 500 retail stores. The Complainant employs more than 28,500 individuals and LEGO products are sold in more than 130 countries, including in the United States.

The LEGO brand is ranked as the number two Consumer Superbrand and number two in the Consumer Relevancy Index I the official Top 10 Consumer Superbrands for 2023, provided by Superbrands UK, showing LEGO.

The Complainant is the owner of a very extensive registered trademark portfolio, including the LEGO word mark in Denmark registered on May 1, 1954, No. VR 1954 00604; LEGO word mark registered in Denmark on August 6, 2024, No. VR 2024 01171; LEGO word mark registered with the European Union on October 5, 1998, No. 39800; LEGO word mark registered in the United States on August 26, 1975, No. 1018875.

Moreover, the Complainant is the owner of more than 6,000 domain names containing the LEGO trademark.

The Respondent registered the Domain Name on May 11, 2025. At the time of the correspondence sent by the Complainant to the Respondent, the Domain Name was used in connection to an unauthorized commercial website offering LEGO products at significant discounts. Images of the Complainant's products were prominently displayed on the website. Subsequently, the website associated with the Domain Name was changed to resolve to an inactive page.

The Complainant sent three cease and desist letters to the Respondent on June 19, June 30 and July 9, 2025, respectively to which the Respondent did not react.

#### **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 Domain Name.

Notably, the Complainant contends in essence that the Complainant is the owner of the very well-known trademark LEGO and that the Domain Name is clearly confusingly similar to said trademark.

The Complainant further claims that it has not found that the Respondent has any registered trademarks or trade names corresponding to the Domain Name. Neither has the Complainant found anything, including the Whois details, that would suggest that the Respondent has been using LEGO in any other way that would give them any legitimate rights in the name. The relevant Registrar of the Domain Name as revealed in the course of the proceedings further the lift of the privacy shield does not resemble the Domain Name in any manner. The Complainant further claims that no license or authorization of any other kind has been given by the Complainant to the Respondent to use the trademark LEGO.

The Complainant further claims that the Respondent cannot rely on the so-called Oki Data Test in order to justify its rights or legitimate interest in the Domain Name, as resulting from the *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and described in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") (at section 2.8.1 the Oki Data Test).

The Complainant claims that the Oki Data test requires that the website accurately discloses the Respondent's relationship with the Complainant; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents. In the present case, the Respondent did not adequately disclose the relationship, or lack thereof, between the Respondent and the Complainant, and did therefore convey the false impression that the Respondent was authorized to use the Complainant's trademark. There was no visible disclaimer stating that the website is not endorsed or sponsored by the Complainant to explain the non-existing relationship with the trademark holder (because the Respondent is not an authorized reseller).

The Complainant further claims that the Respondent was aware of the rights the Complainant has in the trademark and the value of said trademark, at the time of the registration of the Domain Name. There is no connection between the Respondent and the Complainant. By using the Domain Name the Respondent is not making a legitimate noncommercial or fair use, but is misleadingly diverting consumers for his own commercial gain (when it used the domain name actively to sell what appeared as LEGO products at significantly discounted prices). The subsequent passive holding of the Domain Name does not prevent a finding of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "brick" before the LEGO trademark in the Domain Name may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Respondent has not made use of the domain name (or demonstrable plans for such use) with a bona fide offering. Based on the Oki Data Test, the website must (among other conditions) accurately and prominently disclose the registrant’s relationship with the trademark holder; and the respondent must not try to “corner the market” in domain names that reflect the trademark. In this case, the website that was associated with the Domain Name did not accurately and prominently disclose the Respondent’s relationship with the Complainant (knowing that they do not have any relationship and that this should consequently have been indicated). In addition, the composition of the Domain Name immediately refers to (and describes) the products of the Complainant so that it could potentially be considered that the registration and use of the Domain Name by the Respondent “corners the market” in domain names that reflect the trademark (this does not need to be decided given that the website does not disclose the Respondent’s relationship with the Complainant is sufficient to exclude the application of the Oki Data Test for the benefit of the Respondent). In addition, the passive holding of the Domain Name does not confer rights or legitimate interests in the Domain Name under the Policy in the circumstances of this case.

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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark by selling what appeared as LEGO products on a website at significant discounts that did not disclose its relationship with the Complainant. The Panel considers that the Respondent has registered and used the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have found that the non-use of a domain name 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 Domain Name, and finds that in the circumstances of this case (including the use of a privacy shield) the current passive holding of the 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 Domain Name <bricklego.store> be transferred to the Complainant.

*/Jacques de Werra/*

**Jacques de Werra**

Sole Panelist

Date: December 17, 2025