

ADMINISTRATIVE PANEL DECISION

Koninklijke Douwe Egberts B.V. v. 罗展城 (luo zhan cheng)
Case No. DCN2025-0016

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 罗展城 (luo zhan cheng), China.

2. The Domain Name and Registrar

The disputed domain name <lorespresso.com.cn> is registered with 阿里云计算有限公司 (万网) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 23, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 25, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on April 25, 2025, providing the registrant and contact information disclosed by the Registrar. The Complainant filed an amended Complaint in English on April 28, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the China ccTLD Dispute Resolution Policy (the "Policy"), the China ccTLD Dispute Resolution Policy Rules (the "Rules"), and the WIPO Supplemental Rules for China ccTLD Dispute Resolution Policy and China ccTLD Dispute Resolution Policy Rules (the "WIPO Supplemental Rules").

In accordance with the Rules, Articles 5 and 6, and Articles 14 to 16, and the WIPO Supplemental Rules, Paragraph 4(d), the Center formally notified the Respondent in English and Chinese of the Complaint, and the proceedings commenced on April 28, 2025. In accordance with the Rules, Articles 17 and 49, the due date for Response was May 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 23, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on June 2, 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, Article 29.

4. Factual Background

The Complainant is part of Jacobs Douwe Egberts, often abbreviated to “JDE”. Jacobs Douwe Egberts was formed in 2015 by merging D.E Master Blenders, founded in 1753, and the coffee division of Mondelez International. Jacobs Douwe Egberts is part of JDE Peet’s, which the Complainant states is the world’s largest pure play coffee and tea company, headquartered in the Netherlands (Kingdom of the). The group’s coffee and tea portfolio are available in over 100 countries around the world and are sold in, inter alia, Europe and North America. L’OR is one of the key brands of JDE and was developed in 1992 with the goal of making high-quality coffee available to the public. Thus, L’OR is JDE’s premium brand for coffee. The Complainant also states that since 2010 the L’OR branded coffee products of JDE are available worldwide in almost all countries in the world.

The Complainant owns a large international trademark portfolio for the L’OR and L’OR ESPRESSO marks, including, but not limited to the following trademark registrations: Chinese trademark registration L’OR with registration number 15074340, registered on September 21, 2015; Chinese trademark registration L’OR (device trademark) with registration number 48046087, registered on January 21, 2022; and International trademark registration L’OR ESPRESSO, designating amongst others, China, Australia, and the United States of America, with registration number 1055730, registered on August 27, 2010.

The disputed domain name was registered on August 18, 2024, which is after the registration date of the abovementioned trademarks owned by the Complainant. The disputed domain name does not direct to an active website.

5. Parties’ Contentions

A. Complainant

The Complainant essentially contends that the disputed domain name is identical to its trademarks for L’OR ESPRESSO and confusingly similar to its trademarks for L’OR, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered, and is being used in bad faith.

Particularly, as to the Respondent’s absence of rights or legitimate interests, the Complainant contends that the Respondent is not commonly known under the name “L’OR ESPRESSO”, nor has the Respondent acquired any trademark or service mark rights in this mark. Additionally, the Complainant states that the Respondent is not affiliated with the Complainant in any way and that the Complainant has not licensed or otherwise permitted the Respondent to use the L’OR ESPRESSO trademark. Additionally, the Complainant states that there is no evidence of the Respondent making use of the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. The Complainant states that the disputed domain name does not resolve to any active website and the circumstances beyond the disputed domain name itself cannot lead to fair use, and adds that the Respondent provided false contact information, which is allegedly a clear indication of a lack of (or lack of intent of) fair use. The Complainant also contends that the Respondent falsely suggests affiliation with the Complainant and the L’OR ESPRESSO mark through the composition of the disputed domain name. As to bad faith, the Complainant essentially states that the disputed domain name is currently passively held but that this does not exclude a finding of bad faith and that the disputed domain name is likely involved in a phishing scheme since the Respondent has activated email services for the disputed domain name.

Based on the elements above, the Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

Pursuant to Article 6 of the Policy, Article 8 of the Rules and Paragraph 18 of the WIPO Supplemental Rules, unless otherwise agreed by the Parties, or determined by the Panel under exceptional circumstances, the language of the administrative proceeding shall be Chinese.

The Complainant filed its Complaint and amended Complaint in English, including a request that the language of the proceeding be English. The Center formally notified the Respondent in Chinese and English of the Complaint and of the commencement of the proceeding, including that the Complaint was filed in English. The Center also notified the Respondent in Chinese and English of its right to file a Response in either Chinese or English, and to comment on the language of the proceeding in its Response. Nevertheless, the Respondent did not submit any response or comment on the language of proceeding in this proceeding.

The present Panel, which is familiar with both English and Chinese, has carefully considered all elements of this case, in particular, the Complainant's request that the language of the proceeding be English, the lack of comment on the language of the proceeding and the lack of response on the merits by the Respondent (the Panel notes that the Respondent was duly invited to respond in either Chinese or English but chose not to respond); the fact that the disputed domain name is written in Latin letters and contains the entirety of the Complainant's trademark L'OR ESPRESSO; and the fact that Chinese as the language of the proceeding could lead to unwarranted delays and additional costs for the Complainant.

In view of these exceptional circumstances, the Panel grants the Complainant's request, and decides that the language of this administrative proceeding shall be English.

6.2. Discussion and Findings on the Merits

The Policy requires the Complainant to prove three elements:

- (a) the disputed domain name is identical or confusingly similar to the Complainant's name or mark in which the Complainant has civil rights or interests;
- (b) the Respondent has no rights or legitimate interests in respect of the disputed domain name or major part of the disputed domain name; and
- (c) the Respondent has registered or has been using the disputed domain name in bad faith.

Based on the evidence and arguments submitted, the Panel's findings are as follows:

A. Identical or Confusingly Similar to the Complainant's Name or Mark in which the Complainant has Civil Rights or Interests

The Panel finds that the Complainant has shown that it has valid civil rights in the trademark L'OR ESPRESSO, based on its registration of the same as a trademark in several jurisdictions, including in China, as set out above.

Moreover, as to whether the disputed domain name is identical or confusingly similar to the Complainant's aforementioned trademark, the Panel finds that the disputed domain name consists of only the Complainant's registered trademark L'OR ESPRESSO, noting that the apostrophe needs to be disregarded in this assessment. Finally, the applicable Second-Level Domain ("SLD") and the country code Top-Level Domain ("ccTLD"), here ".com" and ".cn" respectively, may be disregarded by the Panel under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is identical or confusingly similar to the Complainant's trademark in which the Complainant has civil rights or interests and the first element required by the Policy is fulfilled.

B. Rights or Legitimate Interests

On the basis of the evidence and arguments submitted, the Panel finds that the Complainant makes out a prima facie case that the Respondent is not, and has never been, an authorized reseller, service provider, licensee or distributor of the Complainant, is not a bona fide provider of goods or services under the disputed domain name and is not making a legitimate noncommercial or fair use of the disputed domain name. The Panel also notes that the Respondent is not commonly known by the disputed domain name. As such, the Panel finds that the burden of production regarding this element shifts to the Respondent, see in this regard also earlier decisions such as *OLT and Olympia Le-Tan IP S.à r.l. v. 何荣财 (herong cai)*, WIPO Case No. [DCN2021-0044](#). However, no relevant evidence or arguments have been submitted by the Respondent.

Upon review of the facts, the Panel notes that the disputed domain name is used merely passively and is not linked to any active website. There are also no elements in this case that point to the Respondent having made any reasonable and demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

Additionally, the Panel also finds that the disputed domain name is almost identical to the Complainant's well-known L'OR ESPRESSO mark, which means that the disputed domain name, by itself, carries a risk of implied affiliation with the Complainant and cannot constitute fair use, as the dispute domain name by itself effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant.

The Panel therefore considers that none of the circumstances of rights or legitimate interests envisaged by Article 10 of the Policy apply. The Panel also notes that no evidence or arguments have been submitted by the Respondent.

The Panel therefore finds that the Complainant has satisfied the requirements for the second element under the Policy.

C. Registered or Used in Bad Faith

The registration of the disputed domain name, which is almost identical to the Complainant's well-known trademark, demonstrates the Respondent's intention to mislead and divert consumers away from the Complainant's official websites hosted at its official domain names (including the very similar <lorespresso.com>), to the disputed domain name. Moreover, the Panel considers the disputed domain name to be closely linked and connected to the Complainant and its well-known trademark that the Respondent's registration of this disputed domain name points towards the Respondent's bad faith. Furthermore, given the fame of the Complainant's trademarks, the Panel finds that the registration of the disputed domain name targeted such trademarks, and that the Respondent therefore knew of the existence of the Complainant's trademarks when registering the disputed domain name. In the Panel's view, the preceding elements establish the bad faith of the Respondent in registering the disputed domain name.

As to use of the disputed domain name in bad faith, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the strong reputation of the Complainant’s trademark, the composition of the disputed domain name and the lack of a response or any communication from the Respondent in this proceeding 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.

Additionally, upon review of the Complainant’s evidence, the Panel notes that there is a grave risk of phishing or misrepresentation by the Respondent in this case, due to the fact that an active email server has been configured on the disputed domain name. In the Panel’s view, the preceding elements establish the bad faith of the Respondent in registering and using the disputed domain name.

Further, the Respondent has failed to provide any relevant response or evidence to establish its good faith or absence of bad faith.

Considering the above, the Panel finds that the Complainant has satisfied the requirements of the third element under the Policy.

7. Decision

For the foregoing reasons, in accordance with Articles 14 of the Policy and 40 of the Rules, the Panel orders that the disputed domain name <lorespresso.com.cn> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: June 16, 2025