

ADMINISTRATIVE PANEL DECISION

Koninklijke Douwe Egberts B.V. v. 左洪光
Case No. DCN2025-0033

1. The Parties

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

The Respondent is 左洪光, China.

2. The Domain Name and Registrar

The disputed domain name <douwe-egberts.cn> ("disputed domain name") is registered with 郑州世纪创联电子科技开发有限公司 (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 26, 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 verified that the 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 Chinese and English of the Complaint, and the proceedings commenced on July 30, 2025. In accordance with the Rules, Article 17 and 49, the due date for Response was August 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 25, 2025.

The Center appointed C. K. Kwong as the sole panelist in this matter on August 29, 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

A. Complainant

The Complainant, Koninklijke Douwe Egberts B.V. is part of JDE Peet's, a large pure play coffee and tea company, headquartered in the Netherlands.

The Complainant is the owner of numerous trademarks consisting of or comprising the words "Douwe Egberts". These registrations include the following:

1. International trademark registration DOUWE EGBERTS, designating amongst others, China, with registration number 662378, registered on May 31, 1996 under International Classes 4, 8, 9, 11, 14, 21, and 26.
2. International trademark registration DOUWE EGBERTS, designating amongst others, China, with registration number 606003, registered on July 29, 1993 under International Classes 5, 29, 30, 32 and 34.

The Complainant owns and operates its official website using the domain name <doewe-egberts.com> [Annex 3 to the Complaint].

The evidence produced by the Complainant shows its registrations for the mark DOUWE EGBERTS well before the registration of the disputed domain name <doewe-egberts.cn>.

B. Respondent

Other than the particulars shown in the printout of the database searches conducted by the Complainant on the Whois Database (as provided in Annex 1 to the Complaint) and in the Registrar's verification response, there is no other evidence concerning the background of the Respondent and its businesses or activities.

C. Disputed domain name

The disputed domain name was registered on March 25, 2024 and does not resolve to any active website.

5. Parties' Contentions

A. Complainant

The Complainant has made the following contentions.

Douwe Egberts is the biggest coffee brand in the Netherlands, with products bearing this trademark being sold worldwide in Europe, Brazil, Thailand, and Australia.

The words "Douwe Egberts" forms an important part of the trademark "Jacobs Douwe Egberts" and is often used as a short form of reference to the full trademark "Jacobs Douwe Egberts".

JDE is the abbreviation for Jacobs Douwe Egberts and is used as an umbrella brand in relation to the Complainant's coffee and tea portfolio, which portfolio consists of many household names including Douwe Egberts.

The mark DOUWE EGBERTS is prominently depicted in the packaging of the Douwe Egberts branded coffee as well as the façade of the Douwe Egberts cafes.

The Complainant has rights in the trademark and/or trademark DOUWE EGBERTS.

The disputed domain name has incorporated the DOUWE EGBERTS trademark in its entirety.

The Respondent is not commonly known as “Douwe Egberts”, nor has the Respondent registered such as a trademark or service mark.

The Respondent is not affiliated with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to use the DOUWE EGBERTS trademark or to register a domain name incorporating the DOUWE EGBERTS trademark.

The DOUWE EGBERTS trademark registrations precede the registration of the disputed domain name for many years.

There is no evidence of the Respondent making use of the disputed domain name or a name corresponding to the disputed domain name. The disputed domain name does not resolve to any active website.

The Respondent's adoption of the disputed domain name was not accidental or coincidental. It even imitated the Complainant's official domain name <doewe-egberts.com> by deliberately including a hyphen as the Complainant did, between the words “douwe” and “egberts” in the formation of the disputed domain name <doewe-egberts.cn>.

The Respondent must have been aware of the Complainant, its DOUWE EGBERTS trademark, official domain name and websites when he registered the disputed domain name.

A quick trademark search for the words “Douwe Egberts” would have revealed to the Respondent the existence of the Complainant and its DOUWE EGBERTS trademark.

The Respondent uses the likelihood of confusion with the DOUWE EGBERTS trademark in order to lure Internet users into believing that the disputed domain name is connected and/or associated with the Complainant.

The Complainant contacted the Respondent via email on April 22, 2025 and requested the Respondent to inter alia, cease and desist from any use of the DOUWE EGBERTS trademark and transfer the disputed domain name to the Complainant. The Complainant never received a reply from the Respondent.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issues

A. Notice of the Proceedings

On July 30, 2025, the Center sent the Notification of Complaint and Commencement of Administrative Proceedings to the Respondent, using the contact details including those found in the Complaint, Whois, and Registrar's verification response. The said notification was sent, inter alia, by email as per the said contact particulars with copies to the Complainant and the Registrar. The Written Notice was also sent by courier service to the postal address of the Respondent.

In the circumstances, the Panel finds that the Respondent has been properly notified. As long as the Center communicated with the Respondent using the contact information which the Respondent has chosen to provide to the Registrar as reflected in the above contact details and the contact information of the Respondent provided in the Complaint, its notice obligations will be discharged, and the Respondent is bound accordingly.

The Panel is satisfied that the Center has discharged its responsibility under the Rules and the WIPO Supplemental Rules to employ reasonably available means calculated to achieve actual notice of the Complaint to the Respondent.

B. Language of the Proceedings

In its Complaint filed on July, 25, 2025, the Complainant requested that English to be the language of the proceedings in this case.

In accordance with Article 6 of the Policy, Article 8 of the Rules and Article 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 Panel may order that any documents submitted in language is other than Chinese be accompanied by its translation in whole or in part into Chinese.

In support of its request, the Complainant has argued, *inter alia*, that:

- (a) The disputed domain name entirely incorporates a brand which consists solely of Latin characters. This shows that the Respondent is familiar with the Complainant's company and/or the DOUWE EGBERTS brand, which is not of Chinese origin and is not in Chinese characters. These prove a level of comfort with the use of English language.
- (b) To proceed with these proceedings in Chinese would cause unwarranted delay as the Complainant would have to retain the services of a translator.
- (c) The costs of translating the Complaint would be higher than the overall costs of this administrative proceeding, placing a high, unfair, financial burden on the Complainant.

The Panel has taken into consideration the following facts:

- (a) The disputed domain name consists of English alphabets.
- (b) There was express notification by the Center to the Parties on July 30, 2025 ("Notification of Complaint and Commencement of Administrative Proceeding") by email to the Respondent (in both the English and the Chinese languages) specifically addressing the issue of language of the proceedings, drawing the Respondent's attention to Article 8 of the Rules and inviting the Respondent to make comments on that.
- (c) Notwithstanding the above-mentioned communication, the Respondent has made no objection to the use of English as the language for these proceedings at any material time despite opportunities given to comment and/or object.
- (d) The Respondent has chosen not to file any response despite bilingual notifications of these proceedings by the Center which would have clearly conveyed to the Respondent the nature of these proceedings and the remedies sought. Yet, the Respondent has not taken up the opportunity to raise any ground of objections or defence.
- (e) Translation of documentation under these circumstances would be disproportionate to the interest of disposing of the dispute in a cost effective and speedy way.

In exercising its discretion to use the language other than Chinese, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties considering all relevant circumstances of the case including matters such as the party's abilities to understand and use of the proposed language, time, and costs.

Taking all the circumstances into account, the Panel is satisfied that there is no prejudice or unfairness to the Respondent for these proceedings to be conducted in English and for its decision to be rendered in English. Accordingly, the Panel determines that the language of the administrative proceedings should be English.

6.2. Substantive Issues

In rendering its decision, the Panel should adjudicate the dispute in accordance with Article 31 of the Rules which provides that, “[t]he Panel shall conduct the proceedings in such manner as it considers appropriate according to these Rules and Supplemental Rules and decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, as well as any rules and principles of law which it deems applicable. If a Respondent does not submit a response, the Panel shall, in the absence of exceptional circumstances, decide the dispute based upon the complaint”. Article 35 of the Rules further provides that, “[i]f a Party, in the absence of exceptional circumstances, does not comply with any provisions of, these Rules and Supplemental Rules or any requests from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate”.

The failure of the Respondent to respond does not automatically result in a favourable decision for the Complainant. Under Article 8 of the Policy, support of a complaint is conditional on establishing each of the three elements as provided therein.

The said three elements are considered below.

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

On the evidence available, the Panel has no hesitation in finding that the Complainant has rights in the trademark DOUWE EGBERTS by reason of the trademark registrations recited in Section 4 above.

Furthermore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark DOUWE EGBERTS.

The disputed domain name entirely incorporates the Complainant's DOUWE EGBERTS trademark. Despite addition of a hyphen between the words "douwe" and "egberts". The Complainant's DOUWE EGBERTS mark remains clearly recognizable in the disputed domain name. It is well-established practice to disregard the country code Top-Level Domain ("ccTLD") part of a domain name, when assessing whether a domain name is identical or confusingly similar to the mark in issue.

Accordingly, the Panel finds that the first element of Article 8(a) of the Policy is established.

B. Rights or Legitimate Interests

The Complainant needs to establish a *prima facie* case showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Once such *prima facie* case is made, the burden will shift to the Respondent to come forward with relevant evidence proving that it has rights or legitimate interests in the disputed domain name.

The Complainant has confirmed that it has not licensed the Respondent to use the mark DOUWE EGBERTS.

There is no explanation on the record as to why it was necessary for the Respondent to adopt the term “douwe egberts” in the disputed domain name.

There is no evidence before the Panel to suggest that the Respondent is commonly known as the disputed domain name.

There is also no evidence available to demonstrate any legitimate noncommercial or fair use of the disputed domain name by the Respondent. The Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which has not been rebutted by the Respondent.

Accordingly, the Panel is satisfied that the Respondent has no rights or legitimate interests in the disputed domain name. The Complaint has satisfied Article 8(b) of the Policy.

C. Registered or Used in Bad Faith

Article 9 of the Policy sets out four circumstances which shall be evidence of the registration or use of the disputed domain name in bad faith, namely:

- (a) The purpose of registering or acquiring the disputed domain name is to sell, rent or otherwise transfer the disputed domain name registration to the complainant who is the owner of the name or mark or to a competitor of that complainant, and to obtain unjustified benefits;
- (b) The disputed domain name holder registers domain names in order to prevent owners of the names or marks from reflecting the names or the marks in corresponding domain names;
- (c) The disputed domain name holder has registered or acquired the disputed domain name for the purpose of damaging the complainant's reputation, disrupting the complainant's normal business or creating confusion with the complainant's name or mark so as to mislead the public;
- (d) Other circumstances which may prove the bad faith.

The Complainant has filed for registration of its DOUWE EGBERTS trademark since at least 1993 as claimed in the aforesaid International Trademark Registrations and has been using it extensively for many years before the registration of the disputed domain name by the Respondent. Such use includes the use of the domain name <douwe-egberts.com> for the operation of the Complainant's official website as well as depicting the mark prominently on the packaging of the Douwe Egberts branded coffee and the façade of the Douwe Egberts cafes.

The incorporation of the rather distinctive combination of words “douwe egberts” created by the Complainant as part of the disputed domain name without any explanation under the above circumstances, the prior substantial use of the Complainant's DOUWE EGBERTS mark, tradename and domain name lead to the conclusion that the Respondent must have been aware of the existence of the Complainant and its trademark DOUWE EGBERTS at the time of the registration of the disputed domain name.

The addition of a hyphen between the words “douwe” and “egberts” in the formation of the disputed domain name by the Respondent, corresponding to and following the same way as the Complainant did in the formation of its domain name <douwe-egberts.com>, further supports the above conclusion.

These signal an intention on the part of the Respondent to confuse and mislead internet users looking for the Complainant by the use of the disputed domain name which cannot be used for any legitimate reason.

The Respondent has also not come forward with any defense on its choice of adopting the words “douwe egberts” in the disputed domain name, which incorporates the Complainant's word mark DOUWE EGBERTS in entirety.

The Panel finds that the circumstances under Articles 9(b) and (c) of the Policy have been established.

Accordingly, the Panel finds that the disputed domain name has been registered in bad faith. The Complainant has satisfied Article 8(c) of 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 <douwe-egberts.cn> be transferred to the Complainant.

/C. K. Kwong/

C. K. Kwong

Sole Panelist

Date: September 12, 2025