

## **ADMINISTRATIVE PANEL DECISION**

**GROUPE LACTALIS v. Melitza Garcia**  
**Case No. DCO2025-0052**

### **1. The Parties**

The Complainant is GROUPE LACTALIS, France, represented by Nameshield, France.

The Respondent is Melitza Garcia, Colombia.

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

The disputed domain name <lactali.com.co> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2025. On July 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 3, 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 July 3, 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 July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2025.

The Center appointed Gill Mansfield as the sole panelist in this matter on July 31, 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 the largest dairy products group in the world with over 85,500 employees, 266 production sites and a presence in over 51 different countries, with revenues in 2023 of 30.3 billion euro.

The Complainant owns several LACTALIS trademarks including (inter alia):

European Union trademark registration number 1529833 for LACTALIS (word mark) registered on November 7, 2002, in classes 1, 5, 10, 13, 16, 31, 33, 34, 40 and 42.

International trademark registration number 900154 for LACTALIS (figurative mark) registered on July 27, 2006, in classes 29, 30 and 35.

Colombian trademark registration number 484725 for LACTALIS (figurative mark) registered on December 24, 2013, in class 29.

The Complainant is also the owner of a portfolio of domain names including LACTALIS including <lactalis.com> registered on January 9, 1999, and <lactaliscolombia.com.co> registered on December 14, 2023.

The disputed domain name was registered on June 27, 2025 and resolves to a parked webpage.

#### **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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's LACTALIS trademark. It argues that the obvious misspelling of the Complainant's LACTALIS trademark by the omission of the "s" is a characteristic of classic typo-squatting practice and intended to create confusing similarity between the Complainant's trademark and the disputed domain name. It also contends that the addition of the country code Top-Level Domain ("ccTLD") ".co" does not change the overall impression of the disputed domain name being connected to the LACTALIS trademark.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the Respondent is not affiliated with, nor authorised by, the Complainant in any way and that it does not carry out any activity for, nor has any business with, the Respondent. The Complainant has not granted any licence or authorisation to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name. It asserts that the disputed domain name is a typo-squatted version of the LACTALIS trademark. It also points out that the disputed domain name resolves to a parked page which it contends demonstrates that the Respondent has not used, and has no demonstrable plans to use, the disputed domain name for the purposes set out in 4(c)(i) and (iii) of the Policy.

Finally, it contends that the disputed domain name was registered and is being used in bad faith. It argues that the Complainant is one of the world's leading producers of dairy products with a strong worldwide reputation, and that LACTALIS trademark was already known and protected in numerous countries as the time that the disputed domain name was registered. It asserts that given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark. It also argues that the misspelling of the Complainant's LACTALIS trademark was intended to be confusingly similar. The Complainant refers to the fact that the disputed domain name resolves of a parked page and asserts that it is not possible to conceive of any plausible actual or contemplated active use that the Respondent could make of the disputed domain name that would not be illegitimate. It also states that Mail Exchange (MX) records have been set up for the disputed domain name which suggests it may actively be used to send email which is indicative of bad faith registration.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

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

The Panel notes that the disputed domain name comprises an obvious misspelling of the Complainant's LACTALIS trademark where the final "s" in LACTALIS has been omitted. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant trademark for the purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The applicable TLD in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. As such, the ccTLD ".co" in the disputed domain name is disregarded for the purposes of the first element confusing similarity test.

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 disputed 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 disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent does not have any affiliation or business with the Complainant and is not authorised by the Complainant in any way. The Complainant has not granted any licence or authorisation to the Respondent to make any use of the Complainant's LACTALIS trademark, or to apply for registration of the disputed domain name. The Respondent is not commonly known by the disputed domain name. There is also no evidence of use, or demonstrable preparations to use, the disputed domain name for a *bona fide* offering of goods or services, or evidence of legitimate noncommercial or fair use of the disputed domain name. On the contrary, the disputed domain name resolves to a parked webpage.

The Panel also notes the composition of the disputed domain name, which comprises an obvious and intentional misspelling of the Complainant's LACTALIS trademark where the final “s” in LACTALIS has been omitted. The Panel finds that this is an instance of typo-squatting and the disputed domain name is thus misleading.

In addition, under paragraph 14(b) of the Rules the Panel may draw from the lack of response of the Respondent such inference as it considers appropriate. The Panel is of the view that the lack of response from the Respondent corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain name.

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 disputed domain name was registered more than 22 years after the Complainant first registered the LACTALIS mark and that the Complainant's mark has been widely used by the Complainant in commerce. The Panel finds that the Complainant's LACTALIS trademark is distinctive and has a worldwide reputation. Consequently, the Panel considers that it is highly unlikely that the

Respondent was unaware of the Complainant's trademark at the date that the disputed domain name was registered, and registered the disputed domain name with knowledge of the Complainant's mark.

In addition, and as noted above, the disputed domain name is a common and obvious misspelling of the Complainant's trademark, where the final letter "s" in LACTALIS has been removed. The Panel finds that the Respondent has targeted the Complainant's distinctive LACTALIS trademark in an act of typo-squatting.

The record shows that the disputed domain name resolves to a parked webpage.

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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, 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.

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 disputed domain name <lactali.com.co> be transferred to the Complainant.

*/Gill Mansfield*

**Gill Mansfield**

Sole Panelist

Date: August 13, 2025