

ADMINISTRATIVE PANEL DECISION

Ricola Group AG v. 任艺伟 (Yi Wei Ren)

Case No. DME2025-0003

1. The Parties

The Complainant is Ricola Group AG, Switzerland, represented by HSS IPM GmbH, Switzerland.

The Respondent is 任艺伟 (Yi Wei Ren), China.

2. The Domain Name and Registrar

The disputed domain name <ricola.me> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 30, 2025. On January 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 February 5, 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 in English on February 10, 2025.

On February 5, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On February 10, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 4, 2025.

The Center appointed Karen Fong as the sole panelist in this matter on March 6, 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 part of a globally recognised Swiss company group founded in 1930. It has grown into a leading herbal confectionery and cough relief brand, offering a wide range of herbal cough drops, candies and related products under the brand RICOLA. RICOLA products are sold in over 45 countries, with its largest markets in the United States of America, Germany, France, Italy, and Switzerland.

The RICOLA trade mark is registered in many different jurisdictions including the following:

- Swiss Trade Mark Registration No. P-509755 for RICOLA, registered on April 29, 2003;
- International Trade Mark Registration No. 1111173 for RICOLA, designating, inter alia, China, registered on February 21, 2012;
- United Kingdom Trade Mark Registration No. UK00801110593 for RICOLA stylised, registered on February 12, 2013;

(individually and collectively, the "Trade Mark").

The Complainant's official website is at the domain name <ricola.com> which was registered on May 9, 1996.

The Respondent who appears to be based in China registered the disputed domain name on November 14, 2024. The disputed domain name redirects to the "www.godaddy.com" parking page where it is offered for sale for a "Buy Now" price of USD 1,450 (the "Website").

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 identical to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the following main reasons:

- it would be unfair and prejudicial for the proceeding to be in Chinese because it would result in considerable delay and unnecessary additional expense for the Complainant to have to translate the Complaint into a different language;
- the disputed domain name resolves to an English language Website;
- the disputed domain name comprise a word in Roman script rather than Chinese. Further, the “.me” Top-Level Domain (“TLD”) is generally seen as more generic than country-targeted and used globally by businesses and people wanting to personalize their online presence by associating the domain name with the English term “me”. If the Respondent was aiming to target the Chinese language market, the more relevant TLD would be “.cn”. The choice of the TLD “.me”, Roman script, and English word indicates that the Respondent is familiar with the English language.

The Respondent has not challenged the Complainant’s language request and despite being notified of the case in both Chinese and English, he has failed to file a response in either English or Chinese.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

B. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for identity or confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s Trade Mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the first element of the Policy has been established.

C. 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.

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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the 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.

Moreover, the nature of the disputed domain name, which is not only identical to the Trade Mark but also identical to the second-level of the Complainant’s own domain name <ricola.com>, is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

D. 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.

In the present case, the Panel notes that the Respondent knew or should have known of the Trade Mark when he registered the disputed domain name given that the Trade Mark was registered and used prior to the registration of the disputed domain name as well as the reputation of the Trade Mark. It is therefore more likely than not that the Respondent was aware of the Complainant when he registered the disputed domain name.

In the [WIPO Overview 3.0](#), section 3.2.2 states as follows:

“Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent’s claim not to have been aware of the complainant’s mark.”

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent’s choice of the disputed domain name without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith. The disputed domain name is being offered for sale by the Respondent on a domain name marketplace for a sum which most likely well exceeds the costs directly related to the registration of the disputed domain name. This is evidence that the Respondent has registered the disputed domain name primarily for the purpose of selling as set out in paragraph 4(b)(i) of the Policy.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <ricola.me> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: March 20, 2025