



URS DEFAULT DETERMINATION

Lidl Stiftung & Co. KG v. et al.

Claim Number: FA2007001905725

DOMAIN NAME

<lidl-offer.club>

PARTIES

Complainant: Lidl Stiftung & Co. KG of Neckarsulm, Germany.

Complainant Representative:

Complainant Representative: HK2 Rechtsanwälte of Berlin, Germany.

Respondent: Super Privacy Service LTD c/o Dynadot of San Mateo, California, US.

Respondent Representative: N/A

REGISTRIES and REGISTRARS

Registries: .CLUB DOMAINS, LLC

Registrars: Dynadot, LLC

EXAMINER

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Examiner in this proceeding.

David L. Kreider, as Examiner.

PROCEDURAL HISTORY

Complainant submitted: July 24, 2020

Commencement: July 27, 2020

Default Date: August 11, 2020

Having reviewed the communications records, the Examiner finds that the FORUM has discharged its responsibility under URS Procedure Paragraphs 3 and 4 and Rule 4 of the Rules for the Uniform Rapid Suspension System (the "Rules").

RELIEF SOUGHT

Complainant requests that the domain name be suspended for the life of the registration.

STANDARD OF REVIEW

Clear and convincing evidence.

FINDINGS and DISCUSSION

1. The Disputed Domain Name <lidl-offer.club> ("DDN") is identical or confusingly similar to the word or mark "LIDL" ("Mark") for which the Complainant holds a valid national or regional registration and that is in current use;
2. Registrant has no legitimate right or interest to the DDN;
3. The DDN was registered and is being used in bad faith in that Respondent intentionally attempted to attract for commercial gain, Internet users to Registrant's web site by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's web site or location or of a product or service on that web site or location. Also, Registrant has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name.

Even though the Respondent has defaulted, URS Procedure 1.2.6, requires Complainant to make a *prima facie* case, proven by clear and convincing evidence, for each of the following three elements to obtain an order that a domain name should be suspended.

The Examiner notes that Complainant's Mark is wholly incorporated and clearly recognizable within the DDN and finds that the DDN is confusingly similar to the Mark.

The DDN resolves to a website featuring pay-per-click links to, *inter alia*, websites of Complainant's business competitors. It may reasonably be inferred that Respondent profits from this use through the receipt of pay-per-click fees. The Complaint avers that Respondent's use of the DDN does not qualify as a *bona fide* offering of goods or services and that Respondent is not commonly known by the DDN. The Respondent has defaulted and failed to appear and does not refute Complainant's assertions. The Examiner finds that Registrant has no legitimate right or interest to the DDN.

Screenshots of Respondent's website submitted by the Complainant reflect that the Respondent uses the DDN to attract Internet users to its website by employing a domain name which is confusingly similar to Complainant's Mark, and from that site to the websites of Complainant's commercial competitors, so that it can profit from the receipt of pay-per-click fees. Additionally, shortly after the registration date (20 June 2020), the Domain was offered for sale on "sedo.com". Complainant alleges, and the Examiner finds, particularly in view of the strength and international reputation of the Mark, that any legitimate use of the Mark by Respondent is inconceivable. Moreover, the Respondent has defaulted and failed to appear and does not refute Complainant's assertions.

DETERMINATION

After reviewing the Complainant's submissions, the Examiner determines that the Complainant has demonstrated all three elements of the URS by a standard of clear and convincing evidence; the Examiner hereby Orders the following domain names be SUSPENDED for the duration of the registration.

<lidl-offer.club>



David L. Kreider, Esq.
Panelist

David L. Kreider, Examiner

Dated: August 11, 2020