



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 52CF98EC

Determination DEFAULT

I. PARTIES

Complainant(s): LIVE FAST DIE YOUNG Clothing GmbH (DE)
Complainant's authorized representative: Osborne Clarke Rechtsanwälte Steuerberater Part mbB (DE)

Respondent(s): Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf (IS)

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name: LFDYHOODIE.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: NameCheap, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2024-04-26 12:11
Lock of the domain name(s): 2024-04-30 12:55
Notice of Complaint: 2024-05-01 08:16
Default Date: 2024-05-16 00:00
Notice of Default: 2024-05-16 08:36
Panel Appointed: 2024-05-16 08:37
Default Determination issued: 2024-05-21 07:50

IV. EXAMINER

Examiner's Name: Eugénie Chaumont

The Examiner certifies that she has acted independently and impartially and to the best of her knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant provided the following arguments in support of its Complaint:

The Complainant contends that it is a well-known German fashion company which produces and distributes streetwear products under the trademarks "LFDY" and "LIVE FAST" on a national and international level. The Complainant asserts that its products enjoy great popularity and reputation.

The Complainant alleges to be the owner of numerous trademarks, including the International Registration No. 1279475 "LFDY" (word) with protection for the European Union, Türkiye, USA, Switzerland, Liechtenstein and Russia, with priority of November 20, 2014, for goods and services in classes 16, 24, 25, 26, 35, 39, 40, and 42, inter alia for clothing.

The Complainant asserts that its trademarks are in current use.

The Complainant claims that the disputed domain name, <lfdyhoodie.shop>, is almost identical to the Complainant's LFDY word trademark, since it includes the exact wording of the registered trademark. The Complainant considers that the relevant part of the disputed domain name is "lfdy", since the addition "hoodie" - as one of the main clothing articles offered by the Complainant are hoodies - is purely descriptive and does not contribute to distinguish the domain name from the Complainant's trademark.

The Complainant refers to UDRP Case No. D2023-0501 concerning the domain <lfdyhoodie.com>.

The Complainant underlines the fact that the top-level domain is a required element of every domain name and does not contribute to distinguish the domain name from the Complainant's trademark.

The Complainant claims that the Respondent has no rights or legitimate interest to the disputed domain name. He indicates that the Respondent is operating a fake online store for clothing under the disputed domain name.

The Complainant alleges that the Respondent uses a sign identical to the LFDY word trademark and uses this sign to offer clothing articles on his website, which are identical to those of the Complainant. It considers that, as a result, there is a likelihood of confusion for the public with the Complainant's trademark LFDY.

The Complainant affirms that it has not authorized the Respondent to use its trademark and has no affiliation with the Respondent.

The Complainant considers that the domain was registered and is being used in bad faith, and that the Respondent is using the domain name to attract for commercial gain Internet users that are searching for the Complainant's website or for the terms "lfdy hoodie" to his website.

The Complainant believes that the Respondent is trying to impersonate the Complainant by selling clothing identical to the one of the Complainant and using the Complainant's protected trademarks both on the website page and in the domain name.



The Complainant also alleges that the Respondent even unlawfully uses the Complainant's photographs on the website that are protected by copyright. In its opinion, this shows that the Respondent is operating the website with knowledge of the Complainant and its business, including its trademark rights and other rights.

The Complainant considers that the domain is not accidentally identical to the Complainant's trademarks, but that the Respondent has registered and is using the domain and website with full damaging intent. It believes that the Respondent is solely operating the website under the disputed domain to unlawfully make profit of it by intentionally infringing the Complainant's rights.

B. Respondent:

The Respondent did not submit a Response to the Complaint.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The registration date of the disputed domain name is October 30, 2023.

According to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

Even though the Respondent has defaulted, Paragraph 1.2.6 of the URS Procedure requires the 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.

For the Complainant to succeed, it must establish that each of the three following conditions under Paragraph 1.2.6 of the URS Procedure are satisfied:

- That the disputed domain name is identical or confusingly similar to a word mark;
- That the Registrant has no legitimate right or interest to the disputed domain name;
- That the disputed domain name was registered and is being used in bad faith.

E. Reasoning:

For the Complainant to succeed, it must establish that each of the three conditions under Paragraph 1.2.6 of the URS Procedure are satisfied.

The burden of proof shall be clear and convincing evidence.

To conclude in favor of the Complainant, a Determination shall be rendered that there is no genuine issue of material fact.

1. The domain name is identical or confusingly similar to a word mark

The Complainant claims that the disputed domain name is almost identical and generates a likelihood of confusion with its trademarks LFDY and gives sufficient evidence to prove current use.

The Examiner agrees with the Complainant that the second element of the disputed domain name, the term “hoodie” is descriptive for a clothing trademark. Indeed, it designates a type of warm garments like sweatshirts or jackets with a hood and long sleeves.

In addition, the Examiner finds that the “.shop” new generic top-level domain (“new gTLD”) does not prevent the finding of confusing similarity under the first element.

The Examiner considers that this new gTLD enhances and reinforces confusion among Internet users looking for clothes with discounted prices. Indeed, several URS and UDRP decisions concerns .SHOP domains.

Accordingly, the Examiner finds that the disputed domain name is confusingly similar to the Complainant’s trademark, and the Complainant has succeeded under Paragraph 1.2.6.1 of the URS Procedure.

2. Respondent has no rights or legitimate interests to the domain name

There is no evidence that the Respondent is known by the disputed domain name.

The disputed domain name was registered anonymously, and such circumstance may be regarded by the Examiner as an indication that the Respondent intended to hide its identity.

The Complainant asserts that the Respondent has not been authorized by the Complainant to use its LFDY trademark.

The Respondent is not making a legitimate noncommercial or fair use and is not in connection with a bona fide offering of goods or services.

Above all, the website attached to the domain name is a fraudulent website which reproduces the Complainant’s trademark and sells clothes.

The Examiner finds that the Complainant has met its burden and established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and the Respondent has not rebutted the assertion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the domain name.

3. The domain name was registered and is being used in bad faith

The disputed domain name is highly confusing with the Complainant’s LFDY trademark and particularly with its dominant part, LFDY.



The additional generic word “hoodie” and the new generic extension “.shop” further evidence bad faith on the part of the Respondent, as it refers to the Complainant’s products and activities in the fashion industry.

The disputed domain name is associated with a fraudulent website looking like an official website belonging to the Complainant or at least authorized by it.

The above-mentioned circumstances clearly prove the Respondent’s bad faith when he registered the disputed domain name and as it uses the same.

The Respondent’s goal is clearly to obtain money by attracting Internet users to a counterfeiting website by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location.

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.3 of the URS Procedure have been satisfied by the Complainant.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name: LFDYHOODIE.SHOP
Suspends for the balance of the registration period

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Eugénie
Surname: Chaumont
Date: 2024-05-21