



Asian Domain Name Dispute Resolution Centre

beijing

ADMINISTRATIVE PANEL DECISION

Case No. CN-2301523

Complainant: DPDgroup International Services GmbH

Respondent: qiang zhang

Domain Name: dpdeparcel.com

Registrar: DropCatch.com 821 LLC

1. Procedural History

On 29 January 2023, the Complainant submitted a Complaint in Chinese to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the ADNDRC Beijing Office) and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC.

On 30 January 2023, the ADNDRC Beijing Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint and transmitted by email to ICANN and the Registrar, DropCatch.com 821 LLC, a request for registrar verification in connection with the disputed domain name.

On 31 January 2023, the Registrar transmitted by email to the ADNDRC Beijing Office its verification response, confirming that the Respondent is listed as the registrant and providing the contact details. The Registrar further pointed out that the language of the Registration Agreement is English.

On 31 January 2023, the ADNDRC Beijing Office informed the Complainant of the Respondent's information and language of the proceedings, and asked the Complainant to revise the Complaint. On the same day, the Complainant submitted its revised Complaint.

On 2 February 2023, the ADNDRC notified the Complainant that the Complaint has been confirmed and transmitted to the Respondent and the case officially commenced.

On the same day, the ADNDRC Beijing Office transmitted the Written Notice of the Complaint to the Respondent, which informed that the Complainant had filed a Complaint against the disputed domain name and the ADNDRC Beijing Office had sent the Complaint and its attachments through both email and express according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Beijing Office notified ICANN and registrar, DropCatch.com 821 LLC of the commencement of the proceedings.

The Respondent failed to submit a Response within the specified time period. On 23 February 2023, the ADNDRC Beijing Office notified the Respondent's default. Since the Respondent did not mention the Panel selection in accordance with the time period specified in the Rules, the ADNDRC Supplemental Rules, and the Notification, the ADNDRC Beijing Office informed the Complainant and the Respondent that the ADNDRC Beijing Office would appoint a one-person panel to proceed to render the decision.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Dr. Timothy Sze, the ADNDRC Beijing Office notified the parties on 28 February 2023 that the Panel in this case had been selected, with Dr. Timothy Sze acting as the sole panellist. The Panel determines that the appointment was made in accordance with Paragraph 6 of the Rules and Articles 8 and 9 of the Supplemental Rules.

On 1 March 2023, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before 15 March 2023.

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The language of the current disputed domain name Registration Agreement is English, thus the Panel determines English as the language of the proceedings.

2. Factual Background

A. The Complainant

The Complainant in this case is DPDgroup International Services GmbH. The registered address is Wailandtstrasse 1 63741 Aschaffenburg Germany. The authorized representative in this case is Mr. Zhang Tao of AN, TIAN, ZHANG & PARTNERS.

B. The Respondent

The Respondent in this case is qiang zhang. The registered address is jiu long cheng 01 hao jiu long cheng qu, Hong Kong 999077 HK.

The Respondent is the current registrant of the disputed domain name “dpdeparcel.com”, which was registered on 26 October 2022, according to the WHOIS information. The Registrar of the disputed domain name is DropCatch.com 821 LLC.

3. Parties’ Contentions

A. The Complainant

(i) The disputed domain name is the same or very similar to the trademark or service mark owned by the Complainant, which is easy to cause confusion.

The Complainant is one of the world leading parcel delivery networks, aiming to be a reference in sustainable delivery and become a leading enabler of e-commerce acceleration.

The Complainant combines innovative technology and local knowledge to provide a flexible and user-friendly service for both shippers and shoppers.

With 120,000 delivery experts operating in nearly 50 countries, and a network of 70,000 pickup points, the Complainant delivers 8.4 million parcels worldwide each day – 2.1 billion parcels per year – through the brands DPD, Chronopost, SEUR, BRT and Jadlog.

The Complainant is the parcel delivery network of GeoPost. GeoPost posted sales of €14.7 billion in 2021. GeoPost is a holding company owned by La Poste Groupe.

Due to the rise of a new shopping method “overseas shopping”, the Complainant also provided express service for a large number of Chinese customers, which attracted the attention of a large number of Chinese users and relevant media. Many online media also reported the Complainant in an all-round way. The Complainant attaches great importance to the Chinese market, has investigated the Chinese market many years ago, has conducted extensive cooperation with domestic logistics enterprises, and is the main logistics operator of Tmall in Russia. The Complainant has cooperated with DPD Europe to successfully launch DPD international express package service in Chinese Mainland through long-term in-depth market research and in accordance with advanced international express industry standards. In order to better promote the connection between China and the European market, the Complainant cooperated closely with LENTON Group, which is known as the “global e-commerce circulation trigger”, to provide solutions for cross-border logistics and transportation. So far, LENTON China has more than 40 franchised partners in cities in northern, central and southern China. The stable domestic site layout ensures that the express of Chinese

users can reach the destination with the best efficiency. The leading enterprises in the logistics and transportation industry in China and Europe work together to give full play to their local transportation advantages and do their best to help merchants and industry partners in the Chinese and European markets gain the best cross-border e-commerce experience.

“dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” are all important trademarks of the Complainant. The Complainant and its affiliates have applied for and registered thousands of trademarks including “dpd” “DPD” and “dpdgroup” and “DPD Dynamic Parcel Distribution” in dozens of countries and regions. In China, the Complainant owns multiple trademarks including “dpd” “DPD” and “dpdgroup” on many classes, especially in class 39, including but not limited to the four trademarks involved in this Complaint.

At the same time, “DPD” is also an English business name used by the Complainant for many years. Almost all the related companies of the Complainant have “DPD” as their business names.



The Complainant also registered a large number of domain names containing the “dpd” trademark for its websites in different countries and regions.

The domain name complained in this case is “dpdeparcel.com”, which was registered on 26 October 2022. The domain name is the same as the previously registered trademark and trade name claimed by the Complainant or has the similarity enough to cause confusion.

In the composition of the disputed domain name, “.com” is the suffix, which belongs to the technical requirements of domain name registration, and has no impact on the significance of the domain name in this Complaint. The major part of the disputed domain name completely includes “dpd”, which is identical with the text part of the registered trademark “dpd” under No. G1217471 mentioned in the Complainant. At the same time, the disputed domain name also includes Parcel, which is exactly the same as the “Parcel” part of the EU trademark under No. 006159487 of the Complainant.

At the same time, the word “Parcel” has the meaning of “parcel, package”. Given that the Complainant is a world-famous delivery brand, many trademarks under the name of the Complainant and its affiliated companies are registered in “the collection and transportation services of parcels and goods”, the addition of this word to the domain name by the Respondent cannot distinguish the disputed domain name from the Complainant and its related prior registered trademarks, and it is easier to connect the domain name with the Complainant. With reference to Article 16, Paragraph 4, Part III of the Standards for Trademark Review and Trial (hereinafter referred to as the Standard) jointly published by the Trademark Office of the State Administration for Industry and Commerce of the People's Republic of China and the Trademark Review and Adjudication Board: “If it completely contains the written trademark of others with a

certain degree of popularity or strong distinctiveness, it is easy to make the relevant public think that it belongs to a series of trademarks and misunderstand the source of goods or services, it is determined to be a similar trademark". It can be seen that the disputed domain name should be determined as similar marks because it completely contains the Complainant's marks with a certain degree of popularity.

"", "", "dpd", "DPD Dynamic Parcel Distribution" and is sufficient to cause confusion.

The disputed domain name is identical with some of the Complainants' trademarks, and is similar to other trademarks of the Complainants which are enough to cause confusion.

The Complainant therefore believes that the disputed domain name is similar to the registered trademark of the Complainant, and the Complainant's claim meets the conditions specified in Article 4 (a) (i) of the Policy.

(ii) The Respondent does not have the right or legal interest in the domain name.

There is no commercial relationship between the Complainant and the Respondent, and the Respondent has never been authorized to use the Complainant's trademark or trade name. The Respondent used the words "dpd" "DPD" and "DPDeParcel" without the permission of the Complainant.

According to the content of the website of the disputed domain name, the Complainant also cannot know that the Respondent has obtained any legal rights and interests in the disputed domain name by using it in good faith.

Therefore, the Complainant believes that according to the existing information, the Respondent does not have the right or legal interest in the disputed domain name, and the Complainant's complaint meets the conditions specified in Article 4 (a) (ii) of the Policy.

(iii) The domain name of the Respondent has been maliciously registered and is being maliciously used.

In view of the discussion on the popularity of the Complainant, the Respondent knows or should know the Complainant and its brand when registering the disputed domain name. The Respondent chose "dpd" on purpose. The word "dpd" has established a high degree of relevance with the Complainant in the field of logistics. However, the Respondent could not come up with such a combination with imagination. WIPO D2018-0887 case decision commented on this situation, "The Complainant's DPD trademark is not a common abbreviation and letter combination, so the trademark has obtained a certain degree of significance in the service where the Complainant uses the trademark". In view of this, when registering the disputed domain name, the Respondent could not include the non-fixed English word "dpd" in its registered domain

name without knowing the Complainant and its trademark. This is no coincidence, but the Respondent intentionally did it. Knowing that its registration will affect the Complainant's registration and use of the disputed domain name, the Respondent should have avoided the registration but still insisted on registering the domain name, preventing the Complainant from obtaining the disputed domain name, which obviously fell into the malicious situation specified in Article 4b (ii) of the Policy.

The main purpose of the Respondent to register the disputed domain name is to get advantage from the Complainant's high fame and influence to mislead network users to visit its website for profit. The Respondent tried to mislead network users who are interested in the Complainant to visit its website by registering and using the domain name "dpdeparcel.com", which is easily confused with the Complainant's trademark, so as to make profits. When potential Chinese users visit the website associated with the disputed domain name, they find that they cannot obtain the expected service, and will easily switch to other service providers in the highly competitive Chinese market, which leads to the loss of potential customers of the Complainant.

Moreover, after the disputed domain name was operated, it directly displayed the domain name docking page. From the link of the page, users can directly jump to the Chinese page of "Opel Sports Official Website". There are a lot of online lottery purchases and Internet gambling information in this page. According to Chinese laws and regulations, Internet lottery are explicitly prohibited, and gambling is completely prohibited in Chinese Mainland. The content of the disputed domain name and the website re-directed are in simplified Chinese, which is obviously opened for consumers in Chinese Mainland, and the businesses (lottery, gambling) they conduct are illegal acts prohibited by the laws of Chinese Mainland. The Respondent registered the disputed domain name and used it maliciously. The public mistakenly believed that the Complainant was committing illegal acts on Chinese Mainland market, which greatly damaged the Complainant's good reputation in Chinese Mainland and even worldwide, hindered the Complainant from exercising prior rights and interests on the Internet in the form of domain names, and would affect the development of the Complainant's business in China. Therefore, the act the Respondent uses the disputed domain name also belongs to the malicious situation specified in Article 4b (ii) of the Policy.

Therefore, the Complainant believes that the Respondent maliciously registered and used the disputed domain name, and the Complainant's claim meets the conditions specified in Article 4 (a) (iii) of the Policy.

Hence, the Complainant asked the Panel to transfer the disputed domain name to the Complainant.

B. The Respondent

Respondent failed to submit a Response within the specified time period.

4. Discussions and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The registrant has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy states that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith:

- (i) Circumstances indicating that the Respondent 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; or
- (ii) The Respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) The Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Policy and the Rules provides that “[i]f a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint.” The Panel finds that no exceptional circumstances exist. Accordingly, the Panel will decide the dispute based upon the Complaint and the evidence submitted therewith.

A. Identity or Confusing Similarity

In the present case, the preliminary issue is whether the Complainant has protectable rights in the mark to which it contends Respondent's domain name are confusingly similar.

The Panel confirms that the Complainant is trademark owner of the marks “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution”, in the present administrative proceedings. The Panel notes that according to the evidence provided, the Complainant is entitled to claim trademark rights in the mark “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” in any UDRP proceedings against alleged trademark infringer. Hence, the Panel concludes that the Complainant has satisfied the threshold requirement of being eligible to claim rights in the trademark “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution”.

In this regard, the Panel confirms the Complainant owns numerous trade mark registrations for or incorporating “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” in a wide range of categories, in the People's Republic of China (“PRC”). The Panel finds that the Complainant has rights in the “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” mark acquired through registration. The Complainant is a leading player for parcel delivery, and holds significant market share in e-commerce for shippers and shoppers.

The disputed domain name “dpdeparcel.com” is consists of “dpdeparcel” and “.com”, of which “.com” is the general part of the top-level domain name. The prominent part of the disputed domain name is “dpdeparcel” which is similar with the Complainant’s “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” mark as well as its trade name in terms of overall appearance and only the letter “e” in the middle is different from the Complainant’s “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” and may refer to “e-commerce”. “Parcel” in English has the meaning of “parcel, package”, and the Complainant’s registered trademark has the letter “parcel” too, according to the EU trademark under No. 006159487 of the Complainant.

Therefore, the letter “e” and gTLD suffix “.com” does not have the capacity to distinguish the disputed domain name from the Complainant’s “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” registered trademarks and is disregarded when comparing the disputed domain name with the Complaint’s trademarks.(See Volkswagen AG v. Todd Garber, WIPO Case No. D2015-2175; Dassault (Groupe Industriel Marcel Dassault) v. Ma Xiaojuan, WIPO Case No. D2015-1733; Lego Juris A/S v. Chen Yong, WIPO Case No. D2009-1611;Dr. Ing. H.c. F. Porsche AG v. zhanglei, WIPO Case No. D2014-0080; Cummins Inc. v. DG Lanshan Mechanical Electrical Equipment Co., Ltd., ADNDRC Case No. HK-1000286).

Furthermore, the mark “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” is inherently distinctive mark which will attract Internet users’ attention. The evidence provided by the Complainant also shows that the “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution” marks had accumulated a considerable reputation by 2022 when the Respondent first registered the disputed domain name. Reproduction of the Complainant’s “dpd” “DPD” “dpdgroup” and “DPD Dynamic Parcel Distribution”

trademark in its entirety in the Domain Name in itself establishes that the Domain Name is confusingly similar to the Complainant's trademarks. (See EAuto, L.L.C. v. Triple S. Auto Parts d/b/a Kung Fu Yea Enterprises, Inc., WIPO Case No. D2000-0047).

The Panel therefore finds that the disputed domain name "dpdeparcel.com" is confusingly similar to the Complainant's registered marks. Accordingly, the Complainant has proven the element required by the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests of the Respondent

The Panel accepts that the Complainants has amply demonstrated that Respondent lacks any rights or legitimate interests, and by virtue of its default, the Respondent has failed to come forward with any evidence to rebut that finding (including the examples listed in paragraph 4(c) of the Policy).

The Respondent has not used or made preparations to use the disputed domain name in connection with a bona fide offering of goods and services.

The Respondent was never commonly known as "dpdeparcel". A Google search turns up no results relating to the Respondent. On the other hand, Google results turn up many hits related to the Complainant, who owns the trademark in "dpd" "DPD" "dpdgroup" and "DPD Dynamic Parcel Distribution".

There is similarly no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain.

Accordingly, the Panel finds that the Complainant has satisfied the second condition under paragraph 4(a)(ii) of the Policy.

C. Bad Faith

According to paragraph 4(b) of the Policy, the following circumstances, in particular but without limitation, shall be evidence of registration and use in bad faith:

I. circumstances indicating that the Respondent has registered or the Respondent has acquired the domain names primarily for the purpose of selling, renting, or otherwise transferring the domain names 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 the Respondent's documented out-of-pocket costs directly related to the domain names; or

II. the Respondent has registered the domain names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

III. the Respondent has registered the domain names primarily for the purpose of disrupting the business of a competitor; or

IV. by using the domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

According to the Complainant, after the disputed domain name was created, it directly displayed the domain name docking page. From the link of the page, users can directly jump to the Chinese page of "Opel Sports Official Website", which contains a lot of online lottery purchases and Internet gambling information. According to Chinese laws and regulations, Internet lottery and gambling are prohibited in Chinese Mainland. The content of the disputed domain name and the website re-directed are in simplified Chinese, which is obviously targeting consumers in Chinese Mainland, and the businesses (lottery, gambling) they conduct are illegal acts prohibited by the laws of Chinese Mainland.

The evidence contained in this case file leads the Panel to conclude that the Respondent was fully aware of the Complainants and had the Complainant's trademarks "dpd" "DPD" "dpdgroup" and "DPD Dynamic Parcel Distribution" in mind at the moment of registering the disputed domain name. The Respondent has attempted to create the impression amongst Internet users that the website to which the disputed domain name resolves is related to the Complainant and its trademarks, presumably with the purpose of generating income for the Respondent through illicit means (See *LeSportsac, Inc. v. Yang Zhi*, WIPO Case No. D2013-0482; and *trivago GmbH v. Whois Agent, Whois Privacy Protection Service, Inc. / Alberto Lopez Fernandez, Alberto Lopez*, WIPO Case No. D2014 0365). This is proof of a bad faith registration and use of the disputed domain names under the Policy.

Internet users looking for the Complainant could be misled as to the origin of the disputed domain name and its content, as well as its possible association to the Complainants was committing illegal acts on Chinese Mainland market, which may damage the Complainant's reputation in Chinese Mainland and probably elsewhere, and would affect the development of the Complainant's business in China. Therefore, the act the Respondent uses the disputed domain name also belongs to the malicious situation specified in Article 4b (ii) of the Policy.

The third element of the Policy is fulfilled. The Panel therefore holds that this is sufficient to establish bad faith under paragraph 4(a) (iii) of the Policy.

5. Decision

Based on the above analysis, the Panel decides that: the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and the Respondent has no rights or legitimate interests in respect of the domain name; and the domain name has been registered and is being used in bad faith.

Accordingly, pursuant to paragraph 4(a) of the Policy and 15 of the Rules, the Panel decides that the disputed domain name “dpdeparcel.com” should be transferred to the Complainant DPDgroup International Services GmbH .

A handwritten signature in black ink, appearing to be 'Timothy Sze', written in a cursive style.

(Timothy Sze)

Dated: 15 March, 2023