

## **ADMINISTRATIVE PANEL DECISION**

Vinted Limited v. Withheld for Privacy ehf / Mohammed Abdessalem Boubekri  
Case No. D2022-0503

### **1. The Parties**

The Complainant is Vinted Limited, United Kingdom, represented by Eversheds, LLP, France.

The Respondent is Withheld for Privacy ehf, Iceland / Mohammed Abdessalem Boubekri, Algeria.

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

The disputed domain name <vinzed.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2022. On February 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 2022, 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 amendment to the Complaint on February 28, 2022.

The Center verified that the Complaint together with the amendment to the 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 March 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 22, 2022.

The Center appointed Jeremy Speres as the sole panelist in this matter on April 11, 2022. 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, founded in 2008, operates an online marketplace under the VINTED mark in 15 countries (including the European Union, United Kingdom, United States of America and Canada) allowing its over 50 million members to trade in second-hand clothing, accessories, home décor, and toys. Vinted, valued at over EUR 3.5 billion, is particularly popular in France where it has over 16 million users. The Complainant's VINTED mark has been recognised as well-known in prior UDRP cases.

The Complainant's primary domain name is <vinted.com>. The Complainant owns many trade mark registrations for its mark, and variations of it, in numerous territories including European Union Registration No. 011678431 VINTED, registered on September 4, 2013, in classes 35, 38, and 45.

The Domain Name was registered on May 18, 2021 and resolves to an online marketplace for second hand clothing in Algeria entitled "vinzed".

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends, in summary, that the Domain Name is confusingly similar to its VINTED mark as a typosquatting variant, that the Respondent has no rights to or legitimate interests in it, and that the Domain Name was registered and used in bad faith given that the Complainant's mark is well-known and use of the Domain Name for competing services indicates an intention to rely on confusion for commercial gain.

##### B. Respondent

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

#### 6. Discussion and Findings

##### A. Identical or Confusingly Similar

It is well established that where a domain name consists of a misspelling of a trade mark such that the mark is recognisable, as in this case, the domain name is confusingly similar (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.9). The substitution of the letter "z" for the letter "t" does not serve to differentiate the overall impression of the Domain Name. UDRP panels have held that substitution of a single letter is insignificant for purposes of confusing similarity (see *Hunter Douglas Industries, BV, and Hunter Douglas Window Fashions, Inc. v. Erik Little*, WIPO Case No. [D2005-0460](#)). The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

##### B. Rights or Legitimate Interests

The Complainant's un rebutted evidence establishes that its VINTED mark was registered and well-known long prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant's mark and the Complainant has certified that the Domain Name is unauthorised by it.

The evidence discussed below in relation to bad faith strongly indicates that the Respondent's intention was to capitalise on confusion with the Complainant for its own gain. This cannot represent a *bona fide* offering conferring rights or legitimate interests to the Respondent for purposes of paragraph 4(c)(i) of the Policy (*Madonna Ciccone v. Dan Parisi*, WIPO Case No. [D2000-0847](#)). There is no evidence that any of the other circumstances set out in paragraph 4(c) of the Policy pertain.

The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an un rebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

### **C. Registered and Used in Bad Faith**

UDRP panels have consistently found that registration of a domain name that is confusingly similar to a well-known mark can by itself create a presumption of bad faith ([WIPO Overview 3.0](#) at sections 3.1.4 and 3.2.1).

The following factors indicate that the Respondent either knew or should have known that the Domain Name was confusingly similar to the Complainant's mark, in line with the [WIPO Overview 3.0](#) at section 3.2.2:

- (a) The Complainant's mark is seemingly invented and highly specific to the Complainant;
- (b) The logo of the Domain Name's website, as well as its favicon, are remarkably similar to those employed by the Complainant, using virtually identical stylisation and font;
- (c) The Respondent's tagline used for its Android application in Arabic ("Vinzed, not using it? Sell it") was highly reminiscent of the Complainant's tagline ("Don't wear it? Sell it!");
- (d) The Domain Name's website competes with the Complainant; and
- (e) The Respondent is based in, and the Domain Name's website targets, Algeria, being a territory where French is the *lingua franca*, and which has had a historical connection with France, suggesting a greater familiarity with French industry. The Complainant's marketplace is very popular in France.

The Panel draws adverse inferences from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3), and the use of a privacy service ([WIPO Overview 3.0](#) at section 3.6).

The Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name, <vinzed.com>, be transferred to the Complainant

*/Jeremy Speres/*  
**Jeremy Speres**  
Sole Panelist  
Date: April 25, 2022