

ADMINISTRATIVE PANEL DECISION

Laboratoire Terravita v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2022-4030

1. The Parties

The Complainant is Laboratoire Terravita, France, represented by Coblenche Avocats, France.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <toutelanuitrition.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2022. On October 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 28, 2022, 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 (Registration Private, Domains By Proxy, LLC), and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 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 November 1, 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 November 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 27, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on December 1, 2022.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on December 12, 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 carries on business in Aix-en-Provence, France as a developer and manufacturer of nutritional food supplements. In connection with its business operations, the Complainant registered the trademark TOUTELANUTRITION in France under Registration No. 4366645 as of September 29, 2017. The Complainant first adopted and began to use the TOUTELANUTRITION trademark in 2004, notably as a domain name to host its principal website at “toutelanutrition.com”; the Complainant registered this domain name on May 27, 2004.

The disputed domain name was registered by the Respondent on October 4, 2022. The associated website recently resolved to a parking page that displayed sponsored links.

5. Parties' Contentions

A. Complainant

The Complainant submits that it is the owner of well-established rights in the trademark TOUTELANUTRITION based on use and registration in France where it carries on business. The disputed domain name is confusingly similar to the Complainant's registered trademark, as it is virtually identical except for the addition of the letter “l” which alters the spelling of the word “nutrition” to “nuitrition”. The Complainant characterizes the misspelling as deliberate typosquatting.

With respect to the absence of rights or legitimate interests, the Complainant submits that the Respondent has engaged in a scheme to deceive users who access her website, by providing links to sites where competitive food products and related services are offered from third parties. The Complainant asserts that the Respondent has never been authorized to engage in this conduct or to adopt a confusingly similar domain name. It further submits that the Respondent is not making a *bona fide* offering of services but rather is using the disputed domain name to divert unknowing users who are deceived by the associated website. The Complainant submits that it has put forward clear *prima facie* evidence of the absence of rights or legitimate interests.

With respect to bad faith, the Complainant relies on evidence of the Respondent's typosquatting, its associated website, and the displayed links, to establish that the Respondent is intentionally diverting consumer traffic to third party websites offering competitive products. Based on this misconduct, the Complainant submits that there is sufficient evidence to support a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant clearly owns rights in its TOUTELANUTRITION trademark, established through long-term use and registration in France where it carries on its business.

With respect to confusing similarity, the Panel finds the disputed domain name is an obvious intentional misspelling of the TOUTELANUTRITION trademark, involving the addition of the single letter “l”. Prior decisions have often considered the addition or subtraction of a single letter to constitute typosquatting (See *Groupe ADEO v. Privacy Service Provided by Withheld for Privacy ehf / Ivan Urgant*, WIPO Case No. [D2022-0828](#); and *Christian Dior Couture v. Dior Interiors, Zion Segev*, WIPO Case No. [D2009-1431](#)). As a clear example of typosquatting, the disputed domain name can readily be “considered to be confusingly

similar to the relevant mark for purposes of the first element” (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9).

The Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Although the Policy places on a complainant the burden of proof to establish the absence of rights or legitimate interests, the practice now recognizes that it is often sufficient for a complainant to make out a *prima facie* case, which then shifts the burden to the respondent to bring forward evidence to demonstrate the relevant rights or legitimate interests. Where the respondent fails to produce such evidence, the complainant will be deemed to have satisfied the second element ([WIPO Overview 3.0](#), section 2.1).

In this proceeding, the Complainant has provided evidence of the Respondent's engagement in a typosquatting scheme to deceive users. The redirecting of traffic to a parking page, through a confusingly similar domain name and associated website where links to competitive wares and services are displayed, does not support a claim to rights or legitimate interests ([WIPO Overview 3.0](#), sections 2.5.3 and 2.9). It is clear that the Respondent has never been affiliated with or otherwise authorised or licensed by the Complainant to use or register the disputed domain name in any form.

The totality of the evidence establishes a *prima facie* case of the absence of rights or legitimate interests on the part of the Respondent.

In the absence of any response from the Respondent, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name constitutes an abusive registration which was registered and is being used in bad faith. In the circumstances of this matter, the nature of the domain name itself must be considered as relevant evidence of the Respondent's bad faith ([WIPO Overview 3.0](#), section 3.2.1). On the balance of probabilities, and in the absence of any evidence to the contrary, the Panel concludes that the Respondent set out to target the Complainant and to deceive users by engaging in a typosquatting scheme, adopting a domain name with a slight misspelling, with an intention to divert internet users to a parking page with links for competitive food supplement products from other sources.

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 disputed domain name <toutelanuitrition.com> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: December 20, 2022