



DECISION OF THE THIRD-PARTY DECIDER Skechers U.S.A. Inc. II / Marko REINIGER Case no. 444223 / skechersinbelgium.be

1. The Parties

1.1 Complainant:

Skechers U.S.A. Inc. II

228 Manhattan Beach Blvd.
90266 Manhattan Beach
CALIFORNIA
UNITED STATES OF AMERICA

Represented by:

Mr. Kristof NEEFS

Mr. Thomas BAETENS

Attorneys at law – INTEO
Brusselsepoortstraat 6
2800 MECHELEN
BELGIUM

1.2 Domain Name Holder:

Mr. Marko REINIGER

Unter den Linden 84
14513 SEEHOF
GERMANY

2. Domain name

Domain name: **skechersinbelgium.be**

Registered on: 21 May 2024

Hereafter referred to as "*the Domain Name*".



3. Procedure

On 13 September 2024, the Complainant filed a complaint with CEPANI. The Complainant requests that the Domain Name is transferred pursuant to Article 10 of the Terms and conditions of domain name registrations under the “.be” domain operated by DNS BE (hereafter the “Policy”) and in accordance with the CEPANI rules for domain name dispute resolution (hereafter the “Rules”). The Complainant also requests that the dispute resolution fee is reimbursed in accordance with Article 10(I) of the Policy.

The complaint was submitted in the English language, which corresponds to the language of the proceedings pursuant to Article 12 of the Rules. The Domain Name Holder has indicated the English language upon registration of the Domain Name in the WHOIS database of DNS BE.

In accordance with Article 5.1 of the Rules, CEPANI notified the Domain Name Holder of the complaint, and the proceedings commenced on 13 September 2024. In accordance with Article 6.1 of the Rules, the due date for the Response was 4 October 2024. The Domain Name Holder did not submit any response.

On 8 October 2024, CEPANI appointed Dieter Delarue as Third-Party Decider. That same date, CEPANI notified the Parties that, pursuant to Article 13 of the Rules, the deliberations would be closed on 15 October 2024.

On 9 October 2024, the Complainant notified CEPANI that, due to the absence of a response by the Domain Name Holder, it will not request an additional term under Article 13 of the Rules.

On 15 October 2024, the deliberations were closed.

4. Factual Background information

The Complainant, Skechers U.S.A. Inc. II, is one of the largest athletic footwear brands in the world. The Complainant is a Fortune 500 company, operating in over 5.000 locations globally.

The Complainant is the holder of a multitude of trade mark registrations across various jurisdictions throughout the world for the mark SKECHERS. The Complainant’s trade mark portfolio includes, *inter alia*, the following registrations:

- SKECHERS, Benelux word mark No. 525508 registered on 1 August 1983 for goods in class 25;

- SKECHERS, Benelux word mark No. 721044 registered on 1 May 2003 for goods in class 18;
- SKECHERS, EU word mark No. 004307691 registered on 12 April 2006 for goods and services in classes 18, 25 and 35;
- SKECHERS, EU word mark No. 008827487 registered on 13 July 2010 for goods in class 14;
- SKECHERS, EU word mark No. 018642067 registered on 9 September 2022 for goods and services in classes 9, 35, 41 and 42.

The Complainant's SKECHERS marks enjoy a reputation for footwear throughout the world, including Europe and the Benelux, as confirmed by *inter alia* the EUIPO Opposition Division (see EUIPO Opposition Division 13 March 2020, B 3 061 739; EUIPO Opposition Division 1 March 2019, B 2 763 655) and various UDRP panels (see *inter alia* *Skechers U.S.A., Inc. II v. Domain Administrator, PrivacyGuardian.org / Jan Bergmann and Karolin Hofmann*, [WIPO Case No. D2022-062](#); *Skechers U.S.A., Inc. II v. shen dong, Xia Men Baishilai Wanglou*, [WIPO Case No. D2022-0258](#); *Skechers U.S.A., Inc. II v. Christin Koertig*, [WIPO Case No. D2021-4175](#); *Skechers U.S.A., Inc. II v. Client Care, Web Commerce Communications Limited*, [WIPO Case No. D2021-4182](#); and *Skechers U.S.A., Inc. II v. Zhangming Li*, [WIPO Case No. D2022-0257](#))¹.

The Domain Name was registered by the Domain Name Holder on 21 May 2024. The Domain Name resolved to a webshop which has a very similar layout as and reproduces content (such as the Complainant's trade marks, product images, marketing material, etc.) from the Complainant's Belgian webshop connected to the domain name <skechers.be>. On the webshop connected to the Domain Name, the Domain Name Holder has offered for sale footwear that embody designs of the Complainant and that bear the SKECHERS trade mark, at a price that is disproportionately below market value.

5. Position of the parties

5.1 Position of the Complainant

The Complainant considers the Domain Name to be confusingly similar to its well-known SKECHERS trade marks. The Complainant further claims that the Domain Name Holder has no rights or legitimate interests in respect of the Domain Name. According to the Complainant, the Domain Name holder is not known by the name Skechers, has supplied fake identity and contact information, and uses the domain name for phishing purposes and/or the sale of counterfeit goods. For the same reasons, the Domain Name Holder holds that the Domain Name was registered and is being used in bad faith.

¹ Given the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (UDRP), the Third-Party Decider finds UDRP precedent to be relevant to the proceedings.

5.2 Position of the Domain name holder

The Domain Name Holder did not respond to the Complainant's arguments.

6. Discussion and findings

Pursuant to Article 16.1 of the Rules, the Third-Party Decider shall rule on domain name disputes with due regard for the Policy and the CEPANI rules for domain name dispute resolution.

Pursuant to Article 10b (1) of the Policy, the Complainant must provide evidence of the following:

- *"the Domain name holder is identical or confusingly similar to a trademark, a tradename, a social name or corporation name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the Complainant has rights; and*
- *the Domain name holder has no rights or legitimate interests in the domain name; and*
- *the Domain name holder's domain name has been registered or is being used in bad faith."*

6.1 The Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights

The Complainant has established that it is the holder of various EU and Benelux trade marks for the sign SKECHERS, which it uses in connection to its business.

The Domain Name reproduces the Complainant's SKECHERS mark in its entirety. This, in itself, is sufficient to render the Domain Name confusingly similar for the purposes of the Policy. Furthermore, the Domain Name only differs from the Complainant's SKECHERS mark by the addition of the geographical term "in Belgium". Such an addition does not prevent a finding of confusingly similarity. To the contrary, the addition of these terms will likely cause internet users to believe that the Domain Name is operated by a local branch or an affiliate of the Complainant (see *inter alia* *LEGO Juris A/S v. Gruenewald Stephanie; Engel Dominik; Koch Anja; and Client Care, Web Commerce Communications Limited*, [WIPO Case No. D2023-2881](#); *Sodexo v. Name Redacted*, [WIPO Case No. D2022-2349](#); with reference to [WIPO Overview 3.0](#), section 1.8).



The ccTLD extension “.be” may be disregarded for the assessment of the identity or confusing similarity of the Domain Name (see *Belfius Bank nv / Peter West*, [CEPANI Case No. 444166](#)).

Therefore, the Third-Party Decider finds that the Domain Name is confusingly similar to trade marks in which the Complainant holds rights, and the conditions of the first element of Article 10.b(1) of the Policy are thus met.

6.2 The Domain name holder has no right or legitimate interests in the Domain Name

It is commonly accepted that, for the purpose of Article 10.b(1)(ii) of the Policy, a complainant must only make out a *prima facie* case that the domain name holder lacks rights or legitimate interests. The burden of proof then shifts to the domain name holder to provide relevant evidence demonstrating rights or legitimate interests in the domain name (see *TikTok Information Technologies UK Limited / Internet Ventures Limited*, [CEPANI Case No. 444203](#)).

In the case at hand, the Domain Name Holder is not commonly known by the Domain Name, nor was he authorised by the Complainant to register and use the Domain Name.

The Domain Name Holder also makes no legitimate and non-commercial or otherwise fair use of the Domain Name. The evidence provided by the Complainant shows that text and content on the Domain Name Holder’s webshop previously attached to the Domain Name was copied from one of the Complainant’s websites. The Third-Party Decider agrees with the Complainant that (i) the unusually low price at which the SKECHERS products are offered on the Domain Name Holder’s webshop; (ii) the lack of identity or contact information on this webshop (which is required by EU and Belgian consumer law); (iii) the faulty language, grammar and punctuation; and (iv) the absence of secure payments options, indicates that the Domain Name Holder’s webshop, and thus the Domain Name, was likely used for phishing purposes and/or the offering of counterfeit products.

The use of a domain name for illegal activity (e.g., phishing, the sale of counterfeit goods, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on the Domain Name Holder (see *Karen Millen Fashions*



Limited v. Belle Kerry, WIPO Case No. D2012-0436; *Richemont International SA v. brandon gill*, WIPO Case No. D2013-0037; *Marktplaats BV / Nojang Ajang*, CEPANI Case No. 444173).

The Domain Name Holder had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a response from the Domain Name Holder, the *prima facie* case established by the Complainant has not been rebutted.

Therefore, the Third-Party Decider finds that the conditions of the second element of Article 10.b(1) of the Policy are met.

6.3 The Domain name holder's Domain Name has been registered or is being used in bad faith

Article 10.b(2) of the Policy provides a non-exclusive list of circumstances that can demonstrate bad faith. Among these circumstances are (i) the registration of a domain name to disrupt the business of a competitor; and (ii) the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's trade mark, trade name, registered name or company name, geographical designation, name of origin, designation of source, personal name or name of a geographical entity as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

Generally, bad faith will be found if a complainant proves that the domain name holder has targeted the complainant in some way, or at least had the complainant or its trade mark in mind, when he registered or used the domain name.

In the present case, the Domain Name Holder was clearly aware of the Complainant and its well-known SKECHERS trade mark when it registered the Domain Name. Indeed, the Domain Name reproduces the Complainant's trade mark in its entirety. Furthermore, the Domain Name Holder expressly referred to the Complainant's SKECHERS products and trade marks on the website connected to the Domain Name. The Third-Party Decider finds that the Domain Name Holder's awareness of the Complainant's trade mark rights at the time of registration suggests bad faith.



Additionally, as noted above, the circumstances of the case indicate that the Domain Name Holder has likely used the Domain Name for phishing purposes and/or the offering of counterfeit products. Evidently, such a use must always be considered in bad faith (see *Karen Millen Fashions Limited v. Belle Kerry*, WIPO Case No. D2012-0436).

The Complainant also shows that the Domain Name Holder's address does not seem to exist, making it likely that the Domain Name Holder has provided false contact information when registering the Domain Name. This is another element indicative of bad faith.

In light of the above, the Third-Party Decider finds that, on the balance of probabilities, it is sufficiently shown that the Domain Name was registered and is being used in bad faith. The conditions of the third element of Article 10.b(1) of the Policy are thus also met.

7. Decision

Consequently, pursuant to Article 10(e) of the Policy, the Third-Party Decider hereby rules that the domain name registration for the "**skechersinbelgium.be**" domain name is to be transferred to the Complainant.

Pursuant to Article 10(l) of the Policy, the dispute resolution fee is to be reimbursed to the Complainant.

Antwerp, 16 October 2024.

A handwritten signature in black ink, appearing to read "Dieter Delarue", written over a horizontal dashed line.

Dieter DELARUE

The Third-party Decider