

Decision for dispute CAC-UDRP-107121

Case number CAC-UDRP-107121

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Domain names thyssenkrupp-iot.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization thyssenkrupp AG- thyssenkrupp Intellectual Property GmbH

Respondent

Name he xiao xue he xiao xue he xiao xue

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various trademark registrations for "THYSSENKRUPP", including the following:

- International trademark registration No. 713857 for THYSSENKRUPP, registered on 29 April 1999;
- International trademark registration No. 731636 for THYSSENKRUPP, registered on 7 July 1999;
- International trademark registration No. 1545329 for THYSSENKRUPP, registered on 2 June 2020; and
- International trademark registration No. 1342637 for THYSSENKRUPP, registered on 29 January 2016.

The Complainant owns and operates various domain names, including its main domain name, <thyssenkrupp.com>, registered on 5 December 1996.

The disputed domain name was registered on 3 December 2023, and at the time of filing the Complaint, resolved to a website that hosts content that redirects users to various gambling related websites in China.

FACTUAL BACKGROUND

The Complainant is a German industrial engineering and steel production headquartered in Germany. The Complainant's name "thyssenkrupp" is the result of a merger of two German well-known steel companies, founded in 1891 and AG founded in 1811. It is emphasized that the Complainant is a German conglomerate with more than 98.000 employees and a revenue of more than 35 billion EUR in fiscal 2023/2024. It was ranked the tenth largest worldwide by revenue in 2015.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be

transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

LANGUAGE OF THE PROCEEDINGS

The language of the registration agreement is Chinese. The Complainant has requested that the language of proceedings be English. Having considered all circumstances of the case, the Panel has decided that it would be fair and equitable to all parties to have the language of the proceedings be English given the following:

1. The registrar operates internationally and provides its services predominately in English;
2. The Complainant has no knowledge of the Chinese language and requiring the Complainant to engage additional translation services would disadvantage the Complainant, and significantly delay the proceedings; and
3. The Respondent did not object to the request for the change of language.

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

The Complainant has provided evidence that it owns registered trademark rights in the THYSSENKRUPP mark.

In this case, the disputed domain name consists of the Complainant's THYSSENKRUPP trademark in its entirety with the addition of the suffix "-iot". The addition of the suffix "-iot" is insufficient of distinguishing the disputed domain name from the Complainant's trademark. Thus, the disputed domain name, which in this case incorporates the Complainant's mark in its entirety is confusingly similar to the Complainant's mark.

As for the generic Top-Level Domain ("gTLD") ".com", it is well established that the gTLD is not relevant to the issue of identity or confusing similarity between the Complainant's trademark and the domain name in dispute (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the domain name,

the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has been the registered owner of the THYSSENKRUPP mark long before the date that the disputed domain name was registered and that it has not authorised the Respondent to use the Complainant's trademark. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent did not submit a Response and did not provide any explanation for its choice of the disputed domain name nor evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant's trademark was registered years before the registration of the disputed domain name. The disputed domain name incorporates the entirety of the Complainant's THYSSENKRUPP mark with the addition of the generic suffix "-iot", and resolves to a webpage containing Pay-Per-Click links which redirect Internet users to various gambling-related websites in China. This appears to be a typical case of cybersquatting. Such use of a domain name can never be considered to be a legitimate use of a domain name. It is the Panel's view that the Respondent was aware of the Complainant and its trademarks and is targeting the Complainant and its customers.

Given the particular circumstances of this case, and the distinctive nature of the Complainant's trademark, the Panel is persuaded by the evidence that the Respondent was aware of the Complainant and its THYSSENKRUPP trademark at the time of registering the disputed domain name and specifically targeted the Complainant.

Further, the Panel cannot conceive any plausible good faith use to which the disputed domain name may be put. The Respondent failed to submit a response and provided no evidence to rebut the Complainant's case. The Respondent also registered the disputed domain name under a fictitious name. This is also an indication of bad faith.

Accordingly, having regard to the circumstances of this case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **thyssenkrupp-iot.com**: Transferred

PANELLISTS

| | |
|------|-----------------------|
| Name | Jonathan Agmon |
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DATE OF PANEL DECISION **2025-01-15**

Publish the Decision
