

## Decision for dispute CAC-UDRP-107179

Case number CAC-UDRP-107179

Time of filing 2025-01-09 08:54:00

Domain names thyssenkrupp.com

### Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

### Complainant

Organization thyssenkrupp AG- thyssenkrupp Intellectual Property GmbH

### Respondent

Name Leslie Smith

#### 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 registered owner of several trademark registrations, namely of the following ones:

- 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 28 January 1998.

#### 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 tenth largest worldwide by revenue in 2015.

The disputed domain name <thyssenkrupp.com> was registered on 29 November 2024 by a physical person named Leslie Smit, based in Los Angeles, US.

The Complainant initially filed a multiple domain name dispute which apart from the disputed domain name <thyssenkrupp.com> referred to above included also the following domain names: <thyssenkrupp-mangement-consulting.com>, <thyssenkrupp-mangement-consulting.pro>, <thyssenkruppautomotivetechnology.com> and <thyssenkruppautomotivetechnology.pro>.

However, registrar verification revealed that those disputed domain names are registered by another registrar and on the name of a different registrant. Therefore, on 13 January 2025, the Complainant filed an amended complaint referring only to the first disputed domain name <thyssenkrupp.com>.

Such disputed domain does not resolve to any active website.

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#### PARTIES CONTENTIONS

##### COMPLAINANT'S CONTENTIONS:

###### **Identical or confusingly similar**

The Complainant argues that the disputed domain name <thyssenkrupp.com> and the Complainant's prior right over the name THYSENKRUPP are confusingly similar.

Particularly, the Complainant contends that the disputed domain name is almost identical to the Complainant's trademarks and domains "thyssenkrupp". The addition of an extra "k" in "thyssenkrupp" does not significantly alter the appearance, pronunciation, or overall impression of the mark, creating a strong likelihood of confusion among internet users.

Furthermore, the Complainant states that the term "thyssenkrupp" has a distinctive character in the disputed domain name given that it is fanciful word with no meaning for any goods and services

Finally, the Complainant concludes that the element "thyssenkrupp" coincides with the Complainant's company name.

Indeed, according to the Complainant, the small differences between its registered trademarks and the disputed domain name do alter the overall similar impression the domain name and the registered trademarks leave.

The Complainant also points out that the applicable Top-Level suffix ".com" does not per se prevent the likelihood of confusion.

###### **No rights or legitimate interests**

The Complainant argues that the respondent has no prior right in the contested domain name.

###### **Registered and used in bad faith**

As far as bad faith registration is concerned, the Complainant states the Respondent has used an email address linked to the disputed domain to perpetrate a phishing scheme targeting the Complainant's client. The fraudulent email impersonated the Complainant's legitimate business operations, leading the client to make an advance payment for an order that was never fulfilled.

The Complainant considers such actions as bad faith act under Paragraph 4(b)(iii) and 4(b)(iv) of the UDRP, as the Respondent has intentionally disrupted the Complainant's business and attempted to confuse consumers for its financial gain.

According to the Complainant, such action is also the evidence of the fact that the Respondent had knowledge of the Complainant's well-known trademarks, company names and domains, when choosing the domain name.

Given the Respondent's deliberate and harmful conduct, the Complainant argues that the transfer of the disputed domain name to the Complainant is warranted to prevent further abuse.

##### RESPONDENT'S CONTENTIONS:

The Respondent did not respond to the Complaint.

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#### 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).

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#### 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).

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#### 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).

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#### PROCEDURAL FACTORS

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.

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#### PRINCIPAL REASONS FOR THE DECISION

Paragraph 15 of the Rules states that the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

1. The Panel finds that the disputed domain name <thyssenkrupp.com> is grammatically, visually and phonetically very similar with the Complainant's registered trademarks "THYSSENKRUPP", given that the signs contain the majority of the same letters, have the same word structure and look alike at the first sight. Indeed, the disputed domain name appears to be a misspelled version of the registered trademarks rather than a different denomination independently selected by the Respondent.

Moreover, the variation in only one letter and the gTLD ".com", which would usually be disregarded as it is a technical requirement of registration, do not later the overall very similar impression the disputed domain name and the registered trademarks produce.

Accordingly, the Panel considers that the disputed domain name and the Complainant's previously registered trademarks are confusingly similar and infers that paragraph 4(a)(i) of the Policy is satisfied.

2. According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant nor currently known and has never been known as "THYSSENKRUPP", or any combination of such trademark.

Furthermore, an email address linked to the disputed domain was apparently used for fraudulent purposes, misleading the client of the Complainant to make an advance payment for an order that was never fulfilled.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

3. Given the widespread presence of the Complainant's trademarks and the manner in which the Respondent used the disputed domain name (which is almost identical to the Complainant's trademarks), the Panel finds that the Respondent intended to free ride on the reputation of the Complainant's trademark in an attempt to exploit it, for fraudulent purposes and attract users and clients destined for the Complainant.

Indeed, by selecting and registering the disputed domain name, which is a misspelled version of the Complainant's well-known trademark, the Respondent is likely engaging in typosquatting—a practice in which a registrant deliberately introduces slight deviations into famous marks for purposes that are usually not undertaken in good faith. In the present case, the use of a typosquatted version of a registered and well-known trademark for fraudulent purposes is per se evidence of bad faith in the use of a domain name.

In other words, in the absence of sufficient evidence to the contrary and a rebuttal from the Respondent, the Panel infers that by registering a domain name that is a typographical variation of the Complainant's trademark and by intending to use it for commercial and illegal gain, the Respondent's actions are indicative of the registration and use of the disputed domain name in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **thyssenkrupp.com**: Transferred

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## PANELLISTS

Name	Hana Císlerová
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DATE OF PANEL DECISION 2025-02-17

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Publish the Decision

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