Decision for dispute CAC-UDRP-107340

Case number	CAC-UDRP-107340
Time of filing	2025-02-21 08:39:29
Domain names	canyon-b2b.com

Case administrator

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

Complainant

Organization	Canyon Bicycles GmbH

Complainant representative

Organization	Convey srl

Respondent

Name	Diana Kraus

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 multiple trademark registrations consisting of, or incorporating, the word mark “CANYON,” whether in uppercase or lowercase letters (collectively, the “Complainant’s trademarks”).

These include:

- German Trademark No. 976036 – CANYON, registered in International Class 25, with an application date of October 3, 1977;
- International Trademark No. 441840 – CANYON, registered in International Class 25, with an application date of November 25, 1978;
- Canadian Trademark No. TMA409557 – CANYON, registered in International Class 12, with an application date of February 5, 1992;
- International Trademark No. 687879 – CANYON, registered in International Classes 11 and 12, with an application date of January 2, 1998;
- European Union Trademark No. 1158094 – CANYON, registered in International Classes 8, 9, 11, 12, 21, 35, 37, and 41.

The Panel has confirmed the validity and active status of the Complainant’s trademarks through publicly accessible online trademark databases.

FACTUAL BACKGROUND

FACTUAL BACKGROUND

The Complainant is a globally recognized manufacturer of bicycles, including road bikes, mountain bikes, with its headquarters located in Koblenz, Germany. It operates the website www.canyon.com, which functions not only as the company's official online presence but also as an e-commerce platform dedicated primarily to the sale of its bicycles and cycling-related products.

The disputed domain name <canyon-b2b.com> was registered on January 20, 2025.

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).

The Complainant has provided evidence of ownership of several registered word and figurative trademarks incorporating the term "CANYON," which are protected in Germany, Canada, the European Union, and various other jurisdictions.

The disputed domain name incorporates the Complainant's trademark in its entirety as its dominant and only distinctive element. The additional term "b2b" is a widely recognized abbreviation for "business-to-business," and is inherently descriptive and generic in nature. As such, its inclusion does not prevent the finding of confusing similarity (see WIPO Overview 3.0, section 1.8).

The inclusion of the generic Top-Level Domain (gTLD) ".com" is a standard registration requirement and does not impact the assessment of whether the disputed domain name is identical or confusingly similar to the Complainant's trademarks (see Rollerblade, Inc. v. Chris McCrady, WIPO Case No. D2000-0429).

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).

A complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is made, the burden of proof shifts to the respondent to demonstrate their rights or legitimate interests in the disputed domain name. Failure to do so results in the complainant satisfying paragraph 4(a)(ii) of the Policy (as per Article 2.1 of WIPO Jurisprudential Overview 3.0 and WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

Based on the contentions of the Complainant, the Panel finds that the Complainant has successfully established a prima facie case that the Respondent lacks rights or legitimate interests. As the Respondent has failed to provide any relevant evidence demonstrating any such rights or legitimate interests, the Complainant is deemed to have satisfied the second element.

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).

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses complainant's mark (see Article 3.1. of WIPO Jurisprudential Overview 3.0).

Registration in bad faith

Under paragraph 4(a)(iii) of the Policy, a complainant should demonstrate that the respondent knew or should have known of the complainant's rights in the trademark when registering the disputed domain name (WIPO Overview 3.0, section 3.2.2). The circumstances here establish such knowledge. First, the Complainant has longstanding trademark registrations in Germany—dating from as early as 1977—and both parties are based in Germany. Given that it is highly improbable that the Respondent selected the Complainant's mark by mere coincidence. Instead, the Respondent's incorporation of the CANYON mark in its entirety, coupled with the additional descriptive phrase "b2b," demonstrates the Respondent's awareness of the Complainant's business and an intention to exploit that awareness.

Moreover, numerous UDRP decisions have confirmed that including a complainant's mark as the dominant portion of a disputed domain name is indicative of bad faith, especially in cases where the respondent operates in the same jurisdiction. The Respondent's knowing choice in adopting the Complainant's exact trademark—registered in Germany and other countries for decades—supports the conclusion that the disputed domain name was registered in bad faith.

Therefore, the Panel finds that the Respondent registered the disputed domain name in bad faith.

Bad faith use

Based on the evidence submitted by the Complainant, the disputed domain name resolved to a third-party website that appeared to be the Complainant's official site, displaying the Complainant's trademark and reproducing its genuine corporate information in the "impressum." In German-speaking jurisdictions, an *impressum* is intended to accurately identify the publisher of a website. Here, the Respondent's unauthorized use of the Complainant's corporate details significantly increases the risk of user confusion, misleading Internet users into believing they are interacting with the Complainant or an authorized affiliate.

Furthermore, the website associated with the disputed domain name included the phrase "Canyon goes B2B," which further reinforces the false impression of a legitimate business initiative by the Complainant. In addition, the Respondent has circulated phishing e-mails from the disputed domain name, falsely claiming that the Complainant has introduced a "B2B" business model—a claim directly contradicted by the Complainant's statements. This dissemination of false information about the Complainant's operations misleads customers, suppliers, and other business partners into believing the Complainant has introduced a new distribution model.

Panels have consistently found that impersonation, phishing, and the misrepresentation of a complainant's commercial standing constitute bad faith use under the Policy (see WIPO Overview 3.0, section 3.1.4). The Respondent's actions show a calculated intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark.

Therefore, in view of the totality of the circumstances, the Panel concludes that the disputed domain name is being used in bad faith.

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.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademarks. The disputed domain name incorporates the Complainant's mark in its entirety, with the addition of the descriptive term "b2b," which does not prevent a finding of confusing similarity.

Based on the Complainant's submissions, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not come forward with any evidence to rebut this showing or to demonstrate any rights or legitimate interests. Accordingly, the Panel finds that the Complainant has satisfied the second element of the Policy.

The Panel further finds, based on the evidence submitted, that the Respondent was likely aware of the Complainant and its trademarks at the time of registration. The use of the Complainant's name and corporate details, including in the website's "impressum," supports the conclusion that the Respondent intentionally sought to mislead Internet users. This conduct constitutes registration in bad faith.

Moreover, the Panel finds that the disputed domain name has been used in bad faith. The Respondent has used the domain name to impersonate the Complainant, publish false information about the Complainant's business model, and circulate phishing e-mails. These actions demonstrate a clear intention to attract Internet users, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website.

Therefore, for the foregoing reasons, the Panel concludes that the Complaint satisfies all three elements, and orders that the disputed domain name <canyon-b2b.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **canyon-b2b.com**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2025-04-02

Publish the Decision