Decision for dispute CAC-UDRP-107359

Case number	CAC-UDRP-107359
Time of filing	2025-03-06 09:10:41
Domain names	vw-workshop.com

Case administrator

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

Complainant

Organization	Volkswagen AG

Complainant representative

Organization	Lubberger Lehment Rechtsanwälte Partnerschaft mbB

Respondent

Name	Alexandru Haranita

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 (the "Domain Name").

IDENTIFICATION OF RIGHTS

The Complainant relies upon various trade mark registrations that comprise or incorporate the letters "VW", including:

(i) European Union trade mark no. 1354216 for "VW" as a word mark, with a filing date of 20 October 1999, and a registration date of 31 May 2001, in classes 4, 7, 9, 12, 14, 16, 18, 25, 28, 35, 36, 37, 38, 39, 40, 41, 42; and

(ii) European Union trade mark no. 703983 for "VW" as a figurative mark (in the form of the well known circular device), with a filing date of 12 December 1997, and a registration date of 28 January 1999, in classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant is one of the leading automobile manufacturers worldwide and the largest automobile manufacturer in Europe.

The Domain Name was registered on 12 September 2024 without the Complainant’s consent. It resolves to a website on which

allegedly, service and repair manuals for Volkswagen car models are offered for download against credit card payment.

The website uses the Volkswagen logo in various places: In particular as a so-called "favicon" (Favorite Icon) that is shown in the browser next to the website URL - in the same way the Complainant uses the logo for their official pages. The logo is also used for browser tabs, where the website title is "Volkswagen Workshop". The logo is also used in a predominant way as header on each page. In its footer, the website also uses text that reads “© 2025, Volkswagen Workshop”. In addition to that, in the section titled “Owners and Services” the website links out to six different subpages of vw.com, the official website of the Complainant. In addition to that, the Website uses official assets (pictures) of the Complainant without the Complainant’s consent, that are only available to official Volkswagen workshop partners.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the 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 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 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 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

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 Complainant has demonstrated trade mark rights in the term VW and the Domain Name can only be sensibly be read as the term “VW" combined with the ordinary word “workshop", and the “.com” gTLD. Accordingly, the Complainant’s trade mark is clearly recognisable in the Domain Name. This is sufficient for a finding of confusing similarity under the Policy (see sections 1.7 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Name has been registered and held by the Respondent for the purposes of the impersonation of the Complainant, or a company or business authorised by the Complainant, with a view to offering for sale service and repair manuals for financial gain. This is clear from the form of the website that operates from the Domain Name, which prominently displays the Complainant's logo, uses the name "Volkswagen Workshop", contains the text "[d]esigned by our Volkswagen experts" [emphasis added], offers for sale under the heading "Explore Our Collections" [emphasis added] service and repair manuals also displaying that logo, and uses photographs only made available to official Volkswagen workshop partners. This website also displays a series of links to the Complainant's website under the heading "Owners and Services" that appear to be designed to suggest that the links are not to a different website, but to other parts of the Respondent's own website.

There is disclosure at the bottom of the website in small text that the website is operated by Workshop Manual Ltd, and under that name is provided an address in Northern Ireland. This appears to be a genuine company that is incorporated in Northern Ireland (since there is a company with that name registered at Companies House). However, that text is unlikely to be noticed by anything other than a particularly observant internet user and the Panel has little doubt that the website has been deliberately designed to

provide the overall impression that it is operated or authorised by the Complainant, when this is not the case.

There is no right or legitimate interest in registering and holding a domain name for the purposes of impersonating a trade mark holder for commercial gain and such activity is positive evidence that no relevant right or legitimate interest exist. Further such registration and use are in bad faith (falling within the example of circumstances evidencing bad faith set out at paragraph 4(b)(iv) of the Policy). The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (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. **vw-workshop.com**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2025-04-11

Publish the Decision