Decision for dispute CAC-UDRP-107542

Case number	CAC-UDRP-107542
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Domain names	conntinental.com

Case administrator

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

Complainant

Organization	Continental Reifen Deutschland GmbH

Complainant representative

Organization	Göhmann Rechtsanwälte

Respondent

Organization	Derek S Christian

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any pending or concluded legal proceedings concerning the domain name <conntinental.com> (hereinafter referred to as 'the disputed domain name').

IDENTIFICATION OF RIGHTS

The Complainant, Continental Reifen Deutschland GmbH, asserts rights to several registered trade marks, including:

- EU trade mark registration no. 017563032, registered on 22 May 2020, for the mark CONTINENTAL, in classes 1, 6, 7, 9, 10, 12, 14, 16, 17, 18, 19, 20, 22, 24, 25, 28, 35, 37, 40, 41, and 42 of the Nice Classification;
- International trade mark registration no. 876054, registered on 18 July 2005, designating, inter alia, China, for the mark CONTINENTAL, 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, and 34 of the Nice Classification; and
- Canadian trade mark registration no. 0056819, registered on 24 October 1906, for the mark CONTINENTAL, in classes 3, 6, 7, 11, and 12 of the Nice Classification.

These trade marks shall collectively be termed 'the Complainant's trade mark' or 'the trade mark CONTINENTAL'.

Furthermore, the Complainant and the Continental Group hold multiple domain names featuring the term 'continental', the most notable being <continental.com>, which was registered in 1997.

The disputed domain name was registered on 18 December 2024 and currently does not resolve to an active website. However, the Complainant has provided a screenshot of a website associated with the Respondent (hereinafter referred to as 'the Respondent's

website').

FACTUAL BACKGROUND

A. Complainant's Factual Assertions

The Complainant is a leading tyre manufacturer and part of the Continental Group. Established in 1871, the Continental Group develops pioneering technologies for sustainable and connected mobility, providing safe, efficient, intelligent, and affordable solutions for vehicles, machinery, traffic, and transportation, with reported sales of EUR 41.4 billion in 2023.

B. Respondent's Factual Assertions

The Respondent has failed to submit a Response in this UDRP administrative proceeding, thereby leaving the Complainant's assertions unchallenged.

PARTIES CONTENTIONS

A. Complainant's Submissions

A.1 Preliminary Issue - Language of the Proceeding Request

The proceedings have been submitted in English at the Complainant's request. The registrar's verification response indicates that the language of the registration agreement for the disputed domain name <conntinental.com> is Chinese.

The Complainant has requested English as the language for this UDRP administrative proceeding but has not provided substantive arguments to support this request.

A.2 Substantive grounds

The Complainant's contentions may be summarised as follows:

A.2.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The Complainant contends that the disputed domain name is confusingly similar to its trade mark CONTINENTAL, constituting a 'typosquatting' domain name. Minor alterations – whether letters are omitted, added, or swapped – do not eliminate the visual and phonetic similarities. Consequently, there exists a significant likelihood of confusion among Internet users, who may mistakenly believe the disputed domain name is associated with or endorsed by the Complainant.

A.2.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant asserts that the Respondent has no rights or legitimate interests concerning the disputed domain name, as evidenced by:

- The absence of bona fide use of the disputed domain name;
- The Respondent is not commonly known by the disputed domain name;
- Given the Complainant's longstanding association with the trade mark CONTINENTAL, the Respondent must have been aware of this when registering the disputed domain name;
- No legitimate non-commercial or fair use has been demonstrated; and
- There is no relationship or authorisation from the Complainant permitting the Respondent's use of the trade mark CONTINENTAL.

A.2.3 The Respondent registered and is using the disputed domain name in bad faith

The Respondent registered and is using the disputed domain name in bad faith, as shown by the striking similarities between the Respondent's website and the Complainant's website at www.continental.com. The Respondent's website mimics that of the Complainant, potentially offering counterfeit products or collecting customer information, thus intending to mislead Internet users for commercial gain and creating confusion regarding the source and affiliation of products.

A.2.4 Relief sought

The Complainant requests the transfer of the disputed domain name.

B. Respondent's Submissions

The Respondent has not provided any substantive defence in this UDRP administrative proceeding.

RIGHTS

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

PROCEDURAL FACTORS

1. Complainant's Language Request

The Panel has discretion under Rule 11 of the UDRP Rules to determine the appropriate language for this UDRP administrative proceeding. In assessing the Complainant's request, the Panel applies the Writera test from CAC Case no. 104144, evaluating the following factors:

(i) The language of the disputed domain name string is solely identifiable as English, thus favouring the Complainant;

(ii) The content of the Respondent's website is immaterial, given the German content presented by the Complainant;

(iii) The Complainant is incorporated in Germany, while the Respondent appears to be based in Canada with potential links to China, rendering English a neutral choice;

(iv) The Respondent has shown no inclination to participate in this UDRP administrative proceeding;

(v) The Panel's commitment to due process aligns with Rule 10(c) of the UDRP Rules; and

(vi) Considering the balance of convenience, conducting this UDRP administrative proceeding in English enables the Complainant to present its case effectively without the burden of translation costs. The Respondent's default mitigates any potential disadvantage arising from this language choice.

In light of these considerations, the Panel accepts the Complainant's request to proceed in English. However, the Complainant must exercise greater diligence in future submissions; clearer articulation of requests is essential to ensure effective proceedings.

2. Miscellaneous

The Panel confirms that all procedural requirements under the UDRP have been duly met, with no grounds preventing a decision from being issued.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework and Burden of Proof

Pursuant to Rule 15 of the UDRP Rules, the Panel shall base its determination on the statements and documents submitted, together with the UDRP Policy, UDRP Rules, and any pertinent rules and principles of law. The Complainant must establish three essential elements under paragraph 4(a) of the UDRP Policy:

i. The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

iii. The disputed domain name has been registered and is being used in bad faith.

These elements collectively constitute 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings operates on the balance of probabilities, and the Panel will assess each requirement in order.

B. Identical or Confusingly Similar

The Panel finds that the Complainant holds UDRP-relevant rights in the registered trade mark CONTINENTAL since at least 1906. The disputed domain name <conntinental.com> incorporates the trade mark CONTINENTAL entirely, with the additional letter 'n' failing to materially affect recognition. The inclusion of the Top-Level Domain (TLD) (<.com>) does not diminish this similarity, thereby fulfilling the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence indicates that the Respondent is not commonly known by the disputed domain name and has not secured authorisation from the Complainant to utilise the trade mark CONTINENTAL. Furthermore, the Respondent has demonstrated no legitimate use of the disputed domain name for a bona fide offering of goods or services, nor any legitimate non-commercial or fair use. The Complainant has therefore satisfied the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The evidence clearly indicates that the Respondent registered and is using the disputed domain name to intentionally target the Complainant. The significant similarities observed between the Respondent's website and that of the Complainant further substantiate this assertion. In light of the Respondent's failure to respond and the claims presented, the Panel infers bad faith, consistent with paragraph 4(b)(iv) of the UDRP Policy. Thus, the Complainant has met all three requirements of the UDRP Policy.

E. Decision

For the reasons stated, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <conntinental.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. **conntinental.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2025-06-13

Publish the Decision