Decision for dispute CAC-UDRP-107577

Case number	**CAC-UDRP-107577**
Time of filing	**2025-06-24 10:01:31**
Domain names	**kruppmachine.com**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**thyssenkrupp AG**

Respondent

Organization	**KeLuBo Machinery (Guangdong) Co., Ltd.**

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 claims to be the owner of numerous trademarks KRUPP in various jurisdictions worldwide, including but not limited to the followings:

- CA trademark No. TMDA057334 registered on 9 December 1933;
- DE trademark No. 262641 registered on 28 November 1962;
- WO trademark No. 262641 registered on 28 November 1962;
- CN trademark No. 26725190 registered on 14 October 2018;
- CN trademark No. 26725191 registered on 14 October 2018.

FACTUAL BACKGROUND

The Complainant claims that its company name, “thyssenkrupp,” is the result of a merger between two well-known German steel companies: Thyssen AG (founded in 1891) and Krupp AG (founded in 1811). It is emphasized that the Complainant is a German conglomerate with more than 98,000 employees and a revenue exceeding 35 billion EUR in fiscal year 2023/2024. The company was ranked the tenth largest worldwide by revenue in 2015 and remains among the world’s top ten steel producers by revenue.

The Respondent appears to be a company based in China.

The disputed domain name was registered on 11 May 2024.

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 claims rights in the KRUPP mark through its trademark registrations. By virtue of its trademark registrations, the Complainant has proved that it has rights in the mark under paragraph 4(a) of the Policy. See Avast Software s. r. o. v Milen Radumilo, 102384, (CAC 2019-03-12).

The Complainant asserts that the disputed domain name consists of “krupp” and “machine.” The term “krupp” is identical to the Complainant’s trademarks and forms part of its company name, leading to a high likelihood of public confusion. It is a distinctive, recognizable term with no generic meaning for goods or services, making it the dominant element in the disputed domain name and creating a misleading commercial impression that falsely suggests a connection to the Complainant.

By doing a side-by-side comparison, the Panel agrees that the disputed domain name is confusingly similar to the Complainant's trademark, see paragraph 1.7 of the WIPO Jurisprudential Overview 3.0.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant asserts that the Respondent has no authorization from the Complainant to use its trademarks or company name and has no connection to the Complainant. The disputed domain name has not been used for any legitimate business or fair use purposes, nor has the Respondent shown any intent to use it for a legitimate offering. Given that the disputed domain name incorporates the well-known and distinctive KRUPP trademark, it is unlikely the Respondent has any legitimate interest in it. The choice of disputed domain name appears intended to mislead or exploit the Complainant’s established commercial reputation.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. As a result, the burden of proof shifts to the Respondent to demonstrate such rights or interests. However, the Respondent has failed to submit any response within the required timeframe to rebut these assertions.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant reiterates that the KRUPP trademarks and company name are well-known and the Respondent likely had prior knowledge.

The Complainant further claims that even though the disputed domain name is currently inactive and does not resolve to any

content, this does not rule out a finding of bad faith. Given the widespread recognition and commercial value of the “krupp” trademark, the Respondent’s registration of the disputed domain name appears to be an attempt to exploit the Complainant’s reputation for unjustified commercial gain. The Respondent registered the disputed domain name containing the Complainant’s well-known trademark with at least the intent to benefit from the Complainant’s reputation. Such use is neither a bona fide use of the disputed domain name under paragraph 4(c)(i) of the Policy nor a legitimate non-commercial or fair use under paragraph 4(c)(iii) of the Policy.

Having considered the overall circumstances, and noting the absence of an official response from the Respondent, the Panel is of the view that it is unlikely to be a coincidence that the Respondent registered the disputed domain name containing the Complainant's KRUPP trademark. The Panel also notes that the disputed domain name was registered at least 90 years after the Complainant registered the KRUPP trademark in Canada, dating back to 1933. In addition, the passive holding of the disputed domain name does not prevent the Panel from finding that the registration and use of the disputed domain name were in bad faith.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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.

PRELIMINARY FINDINGS - LANGUAGE OF PROCEEDING:

The Panel notes that the language of the Registration Agreements is Chinese, as confirmed by the Registrar. The official Complaint was submitted in English, and the Respondents did not submit an official response. Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement. However, this is subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant requests that English be used as the language of the proceeding, arguing that English is a neutral, international trade language, making it suitable for these proceedings. The domain name “kruppmachine” uses English and Latin characters, indicating the Respondent likely understands English and intended to target an international audience. Requiring Chinese would unfairly burden the Complainant, who does not speak the language, causing delays and additional costs. It would also give the Respondent an unfair advantage, especially given signs of bad-faith registration.

The Panel observes that, although the disputed domain name does not resolve to an active website, it is composed of Latin characters. In addition, the name of the Registrant Organization in the WHOIS record includes the English word "Machinery". There is no evidence to suggest that using English as the language of the proceeding would be unfair to the Respondent.

The Panel is bilingual and fully capable of conducting the proceeding in both Chinese and English. Considering the circumstances, the Panel concludes that the use of English as the language of the proceeding would be fair to both parties and would serve the UDRP’s objective of facilitating the swift resolution of disputes. Accordingly, the Panel determines that the language requirement has been satisfied, and that the language of the proceeding shall be English.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain name should 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. **kruppmachine.com**: Transferred

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2025-07-17