Decision for dispute CAC-UDRP-107651

Case number	CAC-UDRP-107651
Time of filing	2025-06-26 09:59:04
Domain names	siemens.dev

Case administrator

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

Complainant

Organization	Siemens Trademark GmbH & Co. KG

Respondent

Organization	Fra Din

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 states that it is the owner of the following trademark registration:

- International registration “SIEMENS” no. 637074, registered on 31 March 1995, for goods and services in classes 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 20, 21, 28, 35, 36, 37, 38, 40, 41 and 42.

The Complainant proved its ownership of the aforementioned trademark registration by the submitted certificate from the WIPO and an extract from the WIPO Madrid database.

FACTUAL BACKGROUND

The Complainant, Siemens Trademark GmbH & Co. KG, is a trademark holding company, licensing the trademarks at issue within Siemens Group. The turnover of the Siemens Group in 2024 was 75,9 billion Euro, and the group employs more than 310.000 people worldwide. Siemens Group is one of the world’s largest corporations, providing innovative technologies and comprehensive know-how to benefit customers in 190 countries. The company is active e.g. in the fields of Automation and Control, Power, Transportation, Logistics, Information and Communications, Medical Technology, etc.

The “SIEMENS” trademark of the Complainant is used globally in relation to technological, industrial and other solutions, as to be seen from its global website accessible under https://new.siemens.com/global/en.html.

The disputed domain name <siemens.dev> (hereinafter “disputed domain name”) was registered on 11 December 2023. According to the Registrar, the Respondent is ‘Fra Din’. The Respondent’s provided address as being in the Netherlands.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

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 UDRP).

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).

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).

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

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

The WIPO Overview 3.0 in Paragraph 1.2.1 states: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case."

The WIPO Overview 3.0 in Paragraph 1.7 states: "[…] in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

The WIPO Overview 3.0 in Paragraph 1.11.1 states: "The applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."

In the present case, the Complainant has established that it owns international trademark registration for the "SIEMENS" word (evidenced by the certificate from the WIPO and an extract from the WIPO Madrid database).

The disputed domain name <siemens.dev> contains the Complainant's "SIEMENS" trademark in its entirety. No further additions were made to the disputed domain name.

The ".dev" element of the disputed domain names does not affect the finding of confusing similarity.

The disputed domain name is considered to be confusingly similar to the relevant trademark.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfils this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the UDRP, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.0 in Paragraph 2.5.1 states: “Generally speaking, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation […].”

In the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>, the Panel stated that: “Here, the WHOIS information of record identifies Respondent as ‘Chad Moston / Elite Media Group.’ The Panel therefore finds under Policy ¶ 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c) (ii).”

In the present case, the Complainant claims that the Respondent is not and has never been one of the Complainant’s representatives, employees or one of its licensees or is otherwise authorized to use the trademark “SIEMENS”. The Complainant does not have any connection with the Respondent.

The Complainant asserts that the disputed domain name is currently not in use and leads to a parked website. This claim is supported by the submitted screenshot of the website.

According to the Complainant, it is obvious that the Respondent has not used and is not currently using the disputed domain name in connection with a bona fide offering of goods or services. Additionally, the Respondent is not commonly known under the disputed domain name.

The Complainant is of the view that the Respondent was aware of the existence of its “SIEMENS” trademark.

The Complainant concludes that the nature of the disputed domain name carries a risk of implied affiliation between the Respondent and the Siemens Group, which seems to be the Respondent’s actual intention in registering this domain name.

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and the Respondent and that the Respondent does not have authorization in the disputed domain name from the Complainant.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or legitimate interest in the disputed domain name.

The submitted WHOIS information shows that the Respondent is not identified in the record for the disputed domain name. By that, the Respondent cannot be commonly known under the disputed domain name.

From the Panel’s view, there is no evidence that could support a finding of any rights or legitimate interest of the Respondent in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent has registered and used the disputed domain name in bad faith.

The WIPO Overview 3.0 in Paragraph 3.1.4. states: “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.”

The WIPO Overview 3.0 in Paragraph 3.3. states: “From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding.”

In the WIPO Case No. D2020-2116, VFS Global Services Private Limited v. WhoisGuard, Inc., Quijano & Associates / Narendra Singhmanushi, the Panel stated: “The Panel also determines that the Respondent’s use of the privacy protection service, WhoisGuard in the circumstances of the present case constitutes additional evidence of bad faith. Absent any explanation from the Respondent, the Panel cannot conceive of any plausible good faith use of the disputed Domain Name that could be made by the Respondent. The Respondent’s conduct in registering the disputed Domain Name therefore constitutes opportunistic bad faith.”

In the present case, the Panel made the following considerations regarding the assessment of the Respondent's registration and use of the disputed domain name in bad faith.

The Complainant has established that it owns international trademark registration for the "SIEMENS" verbal element (proved by the certificate from the WIPO and an extract from the WIPO Madrid database). Above the Panel found that the disputed domain name is confusingly similar to the Complainant's trademark.

The Respondent did not submit any Response to the Complaint and so failed to prove its rights or legitimate interest in the disputed domain name.

From the submitted information about the Complainant (and the Siemens Group), it is obvious that the "SIEMENS" trademark has a certain reputation worldwide. With its global presence in multiple technological areas and reach to the customers in 190 countries, the "SIEMENS" trademark has strong distinctiveness and reputation. Therefore, the Panel is of the view that the Respondent must have been aware of the Complainant's trademark at the time of registering the disputed domain name in December 2023.

The Complainant submitted WHOIS information from which it is clear that the Respondent's identity is hidden, and the Respondent cannot be known under the disputed domain name.

From the furnished screenshots, it is clear that the disputed domain name leads Internet users to a parked blanket website, and so the disputed domain name is not used for any (legitimate) interest.

The Panel finds that by registering the confusingly similar disputed domain name, in combination with the hidden identity, lack of Response and passive holding of the disputed domain name, the Respondent attempted to attract Internet users to the corresponding website, possibly for its own commercial gain or to disrupt the Complainant's business. The intention to create an affiliation with the Complainant is apparent from the given circumstances.

The Panel concludes that the Respondent registered and is using the disputed domain name in bad faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **siemens.dev**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2025-08-13

Publish the Decision