Decision for dispute CAC-UDRP-107721

Case number	CAC-UDRP-107721
Time of filing	2025-07-07 08:47:10
Domain names	ridexofficial.com

Case administrator

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

Complainant

Organization	Ridex GmbH

Complainant representative

Organization	GLORI Rechtsanwälte und Notare

Respondent

Name	Abdullah Nasir

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 registered owner of many trademarks for RIDEX, e.g. European Union trademark registration No. 018629546, registered on December 20, 2022 for goods and services in classes 1, 4, 7, 8, 9, 11, 12, 17, 27, 35, 37, 38 and 42.

FACTUAL BACKGROUND

It results from the Complainant's undisputed allegations that it is active with its trademark in relation to the following goods: gasoline injection devices, fuel injection pumps, services in connection with the following goods: vehicles, mopeds, car accessories, car accessory parts, motor vehicle parts, tools, fuels.

Furthermore, the Complainant use the domain name <ridex.de> for its official website.

The disputed domain name <ridexofficial.com> was registered on May 5, 2024.

Furthermore, the undisputed evidence provided by the Complainant proves that:

1) the disputed domain name resolves to a web shop purportedly offering for sale products in the Complainant's area of activity, displaying without authorization the Complainant's trademark and slogan;

2) on May 5, 2025 the Complainant sent a C&D letter to the Respondent to the address that appeared to the website to which the disputed domain name resolved. The Respondent did not reply to it.

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).

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).

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).

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

1. Pursuant to paragraph 4(a)(i) of the Policy, the complainant must establish rights in a trademark or service mark, and that the disputed domain name is identical or confusingly similar to a trademark in which the complainant has rights.

It results from the evidence provided, that the Complainant is the registered owner of various RIDEX trademarks.

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") at section 1.7. This Panel shares this view and notes that the Complainant's registered trademark RIDEX is fully included in the disputed domain names.

Furthermore, it is the view of this Panel that the addition of the additional terms in the disputed domain name at issue cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the Complainant's trademark is clearly recognizable in the disputed domain name (see WIPO Overview 3.0 at section 1.8).

Finally, the generic Top-Level Domain ("gTLD") ".com" of the disputed domain name is typically disregarded under the first element confusing similarity test (see WIPO Overview 3.0 at section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainants have rights.

2. Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must secondly establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests to the disputed domain name.

In the Panel's view, based on the undisputed allegations stated above, the Complainant has made a prima facie case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondents and did, in particular, not authorize the Respondent's use of the Complainant's trademark RIDEX, e.g. by registering the disputed domain name comprising said trademark entirely.

Furthermore, the Panel notes that there is no evidence showing that the Respondents might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

The Panel notes that the disputed domain name is clearly constituted by the Complainant's registered trademark (i.e. RIDEX) and a term (i.e. "official"), which clearly refers to the Complainant's field of activity, tending to suggest sponsorship or endorsement by the Complainant. This is also confirmed by the content of the website to which the disputed domain name resolves: a web shop purportedly offering for sale products in the Complainant's area of activity, displaying without authorization the Complainant's trademark and slogan.

The composition of the disputed domain name directly targeting the Complainant's field of activity enhances the false impression that the disputed domain name is somehow officially related to the Complainant and official website promoting the Complainant's business. Such composition of the disputed domain name cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See section 2.5.1 of the WIPO Overview 3.0. This is the case in the present proceeding.

It is acknowledged that once the Panel finds a prima facie case is made by a complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (see WIPO Overview 3.0 at section 2.1). Since the Respondent in the case at hand failed to come forward with any allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondents have no rights or legitimate interests in the disputed domain names.

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

3. According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith. One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

It is the view of this Panel that these circumstances are met in the case at hand.

It results from the Complainant's documented allegations that the disputed domain name resolves to a website allegedly offering for sale goods and reproducing without any authorization the Complainant's trademark and logo. For the Panel, it is therefore evident that the Respondent knew the Complainant's mark when it registered the disputed domain name. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent knew that the disputed domain name included the Complainant's trademark when it registered the disputed domain name.

Finally, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith (see WIPO Overview 3.0 at section 3.2.1):

(i) the nature of the disputed domain name (i.e., incorporating the Complainant's mark entirely);

(ii) the content of the website to which the disputed domain name resolves (allegedly advertising and selling goods in the Complainant's area of activity and reproducing without any authorization the Complainant's trademark and slogan);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondents choice of the disputed domain name;

(iv) the Respondent concealing its identity;

(v) the Respondent did not reply to the cease-and-desist letter.

In light of the above the Panel finds that the disputed domain name has been registered and are being used in bad faith pursuant to paragraph 4(a)(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. **ridexofficial.com**: Cancelled

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2025-08-19

Publish the Decision