Decision for dispute CAC-UDRP-107942

Case number	**CAC-UDRP-107942**
Time of filing	**2025-09-18 09:34:31**
Domain names	**krupplast.com**

Case administrator

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

Complainant

Organization	**thyssenkrupp AG- thyssenkrupp Intellectual Property GmbH**

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 Complaint states the Complainant's name as „thyssenkrupp AG- thyssenkrupp Intellectual Property GmbH". This refers to two separate legal entities, namely "thyssenkrupp AG" and "thyssenkrupp Intellectual Property GmbH". The Panel interprets this as the Complaint being filed by both companies as Complainants, even though the Complaint does not explain their relationship and refers only to "the Complainant" (singular), not "the Complainants" (plural).

The Complainant thyssenkrupp AG owns numerous trademarks for the word "KRUPP" (sometimes spelled "krupp"), some of which were registered as early as 1909 (German trademark registration no. 123949) and 1919 (German trademark registration no. 257167). Among these trademarks are the following trademark registrations for "krupp" which are protected in China:

- Registration no. 26725192, applied for on 30.09.2017 and registered on 08.04.2019 for goods in class 07, specifically for "Lifting devices; moving walkways; elevators (lifts); escalators; elevator operating devices; multi-level parking facilities with lifting equipment; lifts (excluding devices for transporting skiers uphill)";
- registration no. 38123510, applied for on 13.05.2019 and registered on 28.07.2021 for goods in class 07, specifically for "Industrial robots; Steam engines; Light bulb manufacturing machinery; Eyeglass lens processing equipment; Electroplating machines; Mechanical control devices for machines, engines, or motors; Packaging machines; Electric door openers; Printing machines; Engraving machines; Zipper machines; Woodworking machinery; Diaper production equipment; Brewing machinery; Metalworking machinery; Briquette machines; Turbines for non-land vehicles; Internal combustion engines (for non-land vehicles); Machine transmission belts; Ironing machines; Motor and engine starters; Engines for non-land vehicles; Elevators (lifts); Pumps (machinery); Bearings (machine components); Electrical machinery for chemical industry; Non-manual hand tools; Drilling apparatus (floating or non-floating); Salt extractors; Machine drivers; Stapling machines; Hydraulic oil filters; Industrial cigarette machines; Compressors (machinery); Gas separation equipment; Agricultural machinery; Aquarium aeration pumps; Construction machinery; Crushers; Excavators (machinery); Washing machines; Industrial sorting machines; Cutting machines (machinery); Molding machines; Bicycle manufacturing machinery; Electronic industrial equipment; Textile machinery; Mud-rolling machines; Battery machinery; Glass processing machinery; Wire and cable manufacturing machinery; Fertilizer manufacturing equipment; Vending machines; Valves (machine components); Milking machines; Enamel manufacturing machinery; Electric food processing machinery; Painting machines; Electric welding equipment; Rope-making machines; Mixers; Tea processing machinery; Leather processing machinery; Mining machinery; Paper-making machines (paper industry machinery)";
- registration no. 26725193, applied for on 30.09.2017 and registered on 07.03.2019 for goods in class 01;

- registration no. 26725191, applied for on 30.09.2017 and registered on 14.10.2018 for goods in class 08;
- registration no. 26725190, applied for on 30.09.2017 and registered on 14.10.2018 for services in class 37;
- registration no. 26725189, applied for on 30.09.2017 and registered on 07.10.2019 for services in class 42;
- registration no. 32418536, applied for on 23.07.2018 and registered on 14.08.2020 for goods in class 06;
- registration no. 32846482, applied for on 13.08.2018 and registered on 14.01.2020 for goods in class 25;
- registration no. 35073549, applied for on 04.12.2018 and registered on 21.11.2019 for goods in class 19;
- registration no. 38123508, applied for on 13.05.2019 and registered on 07.10.2020 for goods in class 11;
- registration no. 38123509, applied for on 13.05.2019 and registered on 07.05.2020 for goods in class 09;
- registration no. 38123507, applied for on 13.05.2019 and registered on 07.03.2020 for goods in class 12;
- registration no. 38123506, applied for on 13.05.2019 and registered on 28.04.2020 for goods in class 17;
- registration no. 43721496, applied for on 10.01.2020 and registered on 14.05.2021 for goods in class 06;
- registration no. 51130920, applied for on 10.11.2020 and registered on 28.02.2022 for goods in class 04;
- registration no. 59065784, applied for on 07.09.2021 and registered on 07.03.2022 for goods in class 10; and
- registration no. 64748055, applied for on 19.05.2022 and registered on 14.11.2022 for goods in class 05.

The Complainants' main website is operated under the domain name “thyssenkrupp.com”, which was registered on 5 December 1996.

On 7 November 2024, the Respondent applied for the Chinese trademark “KRUPP Maschinenbau” (with design) for goods in class 7, specifically for “Plastic Extrusion Machines; Rubber Processing Machinery; Plastic Injection Molding Machines; Plastic Processing Machinery; Plastic Barrel (Tank) Manufacturing Equipment; Molds for Plastic Processing; Molding Machines; Plastic Processing Machines; Injection Molding Machines; Electronic Stamping Machines (Plastic Surface Printing and Treatment)“ in the Chinese similarity group “0726”. The application is pending before the China National Intellectual Property Administration (CNIPA). It passed a preliminary review on 13 April 2025 and is currently published for opposition.

The disputed domain name was registered on 26 June 2025, i.e., both thyssenkrupp AG’s Chinese trademark registrations and the Respondent’s Chinese trademark applications cited above all predate the domain name registration date.

FACTUAL BACKGROUND

The Complainant thyssenkrupp AG is a German industrial conglomerate created in 1999 from the merger of “Thyssen AG” (founded in 1891) and “Fried. Krupp AG” (founded in 1811). The Complainant’s group of companies now operates under the name “thyssenkrupp”. It employs more than 98,000 people and reported over EUR 35 billion in revenue in fiscal 2023/2024. The company is ranked among the world’s top ten steel producers by revenue.

The Respondent considers itself to be the legal successor of the Chinese company “Kautex Maschinenbau Technologie (Foshan) Co., Ltd.” (hereafter referred to as “Shunde Kautex”), which was formerly a wholly-owned subsidiary of “Kautex Maschinenbau GmbH” in Germany. Kautex Maschinenbau GmbH became insolvent in 2023, which later also resulted in a reorganization of Shunde Kautex. The Respondent claims that, as a consequence of this reorganization, Shunde Kautex has become the Respondent.

A predecessor company of Kautex Maschinenbau GmbH was a subsidiary of Fried. Krupp AG for approximately the last two decades of the 20th century. During that time, it operated under the name “Krupp Kautex Maschinenbau GmbH” and founded Shunde Kautex in November 1994. Shunde Kautex was founded as "Shunde Krupp Chen Plastics Technology Co., Ltd." to produce blow molding machines and related products in China.

The Respondent has used the disputed domain name for a company website that was operated under the name “Krupp Machinery”, stating among various other claims: “Krupp Machinery (Guangdong) Co., Ltd., formerly known as Kautus Machinery Technology (Foshan) Co., Ltd., was originally initiated and established by Krupp Machinery Manufacturing Co., Ltd. and Hong Kong Chen Hsong Group and other industry leaders…”.

The Respondent had previously registered the domain name “kruppmachine.com”, which was the subject of an earlier UDRP dispute, case no. CAC-UDRP-107577 (filed on 24 June 2025, decided on 17 July 2025). In that earlier dispute, the Panel ruled in favor of the Complainant, reasoning as follows: “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”. This Panel notes, however, that in case no. CAC-UDRP-107577 the Respondent did not file a Response, so the Panel in that earlier case was unable to consider the Respondent’s corporate history explained above.

PARTIES CONTENTIONS

According to the Complainant, the sequence “krupplast” in the disputed domain name is likely to be perceived as “krupp + plast(ic)”, since “plast” or “plastic” is a common abbreviation or descriptor in the industrial materials context for “plastics” or “plastic machinery”.

The Complainant contends that the Respondent was aware of the Complainant's well-known trademarks and company name when registering the disputed domain name, because the "krupp" trademark is unique, highly distinctive, and recognized globally in machinery and engineering with no generic meaning in any language. The Complainant further contends that the Respondent's recent registration of "krupplast.com", long after the Complainant's rights to "krupp" were established, and the deliberate combination of "krupp" with "last" (interpreted as "plast(ic)") indicate an intention to exploit the Complainant's reputation for commercial gain. The Complainant also points to the fact that its subsidiary "Thyssenkrupp Plastics GmbH" operates in plastics and materials, which according to the Complainant increases the likelihood of confusion and reinforces the case for bad faith. The Complaint claims that the Respondent registered the domain name to benefit from the Complainant's reputation, which does not constitute bona fide use, and thus the Respondent has no legitimate rights or interests in the domain. The previous UDRP case regarding "kruppmachine.com" is regarded as evidence of a pattern of conduct to target the Complainant's trademark rights.

The Respondent contends that its predecessor Shunde Kautex was the first to use and promote the "Krupp" brand in the blow molding industry in China since 1994, nearly five years before the Complainant was established in China in 1999.

The Respondent further contends that it has verified that the Chinese trademark groups registered by the Complainant do not overlap with the trademark groups applied for by the Respondent. The Respondent regards CNIPA's preliminary acceptance of its trademark application of 13 April 2025 as confirmation that its trademark application does not conflict with any prior trademark registrations in China.

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 not 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

Since the three UDRP elements are cumulative requirements and the Complainant failed to demonstrate that the second element (i.e., lack of rights or legitimate interests in the disputed domain name) is met, it is unnecessary to determine whether the third element (i.e., registration and use in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy) is met.

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.

The Panel notes that the Registration Agreement is in Chinese, as confirmed by the Registrar. The Complainant filed the Complaint in English and formally requested that English be the language of the proceeding. The Respondent submitted its Response in English without objection to that language.

Given these circumstances, the Panel finds that conducting the proceeding in English is fair to both parties and supports the UDRP's goal of swift dispute resolution. The Panel therefore determines that English shall be the language of the proceeding.

PRINCIPAL REASONS FOR THE DECISION

Both the Complainant and the Respondent agree that the "krupp" element of the disputed domain name originates from the former German Fried. Krupp AG's "KRUPP" brand. They also agree that the second element "last" refers to "plast(ic)," serving as a generic addition. As a result, the disputed domain name is confusingly similar to the Complainant's various "krupp" trademarks cited above (within the meaning of paragraph 4(a)(i) of the Policy, though not necessarily under trademark law's different concepts of "confusing similarity").

- the Respondent's corporate heritage which refers to a former legitimate use of the "KRUPP" brand in China; and
- its recent trademark application for "KRUPP Maschinenbau" (with "Maschinenbau" being the German word for "mechanical engineering", i.e., also a merely generic addition to the distinctive "KRUPP" brand)

However, before registering the disputed domain name are sufficient demonstrable preparations to use the “KRUPP” brand and thereby also the disputed domain name in connection with a bona fide offering of goods or services (within the meaning of paragraph 4(c)(i) of the Policy). Because the Respondent’s trademark application passed CNIPA’s preliminary review in April 2025 – months before it registered the disputed domain name in June 2025 and before this dispute began in September 2025 – the Respondent had at least some good faith (i.e., bona fide) basis to believe that its planned use of the “KRUPP” brand and the disputed domain name for its goods or services would not infringe any third-party rights.

This assessment generally aligns with Section 2.12 of the WIPO Jurisprudential Overview 3.0, although the Panel notes that this Section addresses a respondent’s prior registration of a trademark matching the domain name, not a pending trademark application. Given CNIPA’s preliminary approval of the application, however, the present case is sufficiently similar to a full registration to reach the same conclusion.

Since the three Policy elements are cumulative requirements and the Complainant failed to demonstrate that the second element is met, it is unnecessary to determine whether or not the third element is met.

In essence, the dispute between the parties over the Respondent’s right to use the “KRUPP” brand, including the disputed domain name, is a typical trademark dispute but does not fall under the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **krupplast.com**: Remaining with the Respondent

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2025-10-27

Publish the Decision