Decision for dispute CAC-UDRP-108095

Case number	CAC-UDRP-108095
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Domain names	cumminsgeneradores.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Cummins Inc.

Complainant representative

Organization	Coöperatie SNB-REACT U.A.

Respondent

Name	Marco Antonio Gonzalez Valdez

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings in respect of the domain name <cumminsgeneradores.com> ("the disputed domain name").

IDENTIFICATION OF RIGHTS

The Complainant, Cummins Inc., owns a portfolio of registered trade marks for CUMMINS, including long-standing registrations in the United States, the European Union, and Mexico. Examples include:

• CUMMINS (word), class 23, US registration no. 579346 (registered 1 September 1953);

• CUMMINS (word), classes 7, 12 and 37, EUIPO registration no. 001373513 (registered 12 January 2001);

• CUMMINS (figurative), classes 7, 12 and 37, EUIPO registration no. 001374172 (registered 26 January 2001); and

• CUMMINS (word), class 7, IMPI (Mexico) registration no. 0119000500970 (registered 14 February 1938).

(Each a "trade mark" and collectively the "Complainant's trade marks").

The Complainant also owns numerous domain names incorporating its trade mark, including <cummins.com>, registered in 1990.

The disputed domain name was registered on 12 August 2025 and, at the time of this Decision, does not resolve to an active website. The lack of an active website does not affect the Panel's assessment, as the Complainant has adduced substantial evidence of prior use of the disputed domain name in connection with an impersonating website ("the Respondent's website").

FACTUAL BACKGROUND

A. Complainant's Assertions

The Complainant is one of the world's largest and most reputable manufacturers of engines, power generation equipment, and related technologies. Founded in 1919 and headquartered in Columbus, Indiana, United States, the Complainant operates in more than 190 countries.

B. Respondent's Assertions

The Respondent is Marco Antonio Gonzalez Valdez, an individual based in Zumpango, Mexico. The Respondent did not reply to the Complaint and has therefore provided no evidence of any rights or legitimate interests in the disputed domain name.

PARTIES CONTENTIONS

A. Complainant

A.1 Identical or Confusingly Similar

The Complainant submits that the disputed domain name incorporates the trade mark CUMMINS in its entirety. The additional Spanish term "generadores" ("generators" in English) is merely descriptive of the Complainant's product line and does not avoid confusing similarity.

A.2. Absence of Rights or Legitimate Interests

The Complainant argues that the Respondent is not authorised to use its trade marks, is not commonly known by "cummins" or "cumminsgeneradores", and used the disputed domain name to impersonate the Complainant.

The Respondent's website reproduced the Complainant's logo, colour scheme, product images, and distributor address, and falsely presented the Respondent as a manufacturer offering direct sales. The Complainant submits that such behaviour precludes any bona fide offering of goods or services, fails to meet the standards under Oki Data, and cannot constitute legitimate non-commercial or fair use.

A.3 Registration and Use in Bad Faith

The Complainant asserts that the Respondent knowingly targeted its well-known trade marks and intentionally created consumer confusion for commercial gain. In particular, the Respondent operated a website and associated WhatsApp contact channel that falsely presented itself as an official CUMMINS outlet. The impersonation via website and WhatsApp communication demonstrates both bad faith registration and bad faith use under paragraph 4(b)(iv) of the UDRP Policy.

A.4 Relief Sought

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent did not file any Response. Accordingly, the Panel proceeds on the basis of the uncontested evidence submitted by the Complainant and may draw such inferences as it considers appropriate pursuant to Rule 14(b) of the UDRP Rules.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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 Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown that the Respondent has 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

The Panel finds that all procedural requirements under the UDRP Policy, UDRP Rules, and CAC's UDRP Supplemental Rules, have been satisfied. The matter is properly before the Panel.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel decides on the basis of the statements and evidence submitted, in accordance with the UDRP Policy, the UDRP Rules, and any applicable legal principles.

Under paragraph 4(a) of the UDRP Policy, the Complainant must show that:

> 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.

B. Identical or Confusingly Similar

The disputed domain name comprises the Complainant's trade mark CUMMINS in full, followed by the descriptive term "generadores". The trade mark CUMMINS remains the dominant and recognisable element. The addition of a product-descriptive term increases, rather than reduces, the likelihood of confusion.

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

C. Rights or Legitimate Interests

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests.

At the time of writing, the disputed domain name resolves to an inactive webpage. However, the Complainant has supplied extensive contemporaneous evidence of prior active use, during which the Respondent impersonated the Complainant by replicating its trade marks, colour scheme, product images, and distributor address. The evidence also shows that the associated WhatsApp account used the Complainant's figurative "C" logo as its profile image, reinforcing the false impression of affiliation. Such conduct cannot amount to a bona fide offering of goods or services or to fair use. Nor is there any indication that the Respondent is commonly known by the disputed domain name.

The Panel notes that UDRP jurisprudence recognises limited circumstances in which unauthorised resellers may establish a legitimate interest under the Oki Data doctrine. However, the Respondent's behaviour far exceeds any permissible reseller activity: it involved explicit impersonation, lack of disclosure, and misleading suggestions of authorised affiliation. Oki Data is therefore wholly inapplicable.

On the basis of the undisputed evidence, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent's failure to rebut the prima facie case simply reinforces this conclusion.

D. Registered and Used in Bad Faith

The trade mark CUMMINS is globally recognised and long-established. The Respondent's deliberate use of the Complainant's trade marks, visual branding elements, imagery, and distributor address demonstrates clear knowledge of the Complainant at the time of registration and an intent to deceive.

The Respondent's website and WhatsApp channel created the false impression of official affiliation and invited consumers to purchase generators "directly from the manufacturer". This falls squarely within paragraph 4(b)(iv) of the UDRP Policy, which identifies intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion as evidence of bad faith.

The subsequent passive holding of the disputed domain name does not cure or negate earlier abusive conduct. Passive holding after a period of active impersonation does not prevent a finding of bad faith under the UDRP Policy.

The Panel therefore finds that the disputed domain name was registered and used in bad faith.

E. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <cumminsgeneradores.com> be transferred to the Complainant, Cummins Inc.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **cumminsgeneradores.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2025-12-17

Publish the Decision