

Decision for dispute CAC-UDRP-108086

Case number **CAC-UDRP-108086**

Time of filing **2025-11-07 10:16:36**

Domain names **siemens.app**

Case administrator

Name **Olga Dvořáková (Case admin)**

Complainant

Organization **Siemens Trademark GmbH & Co. KG**

Respondent

Name **mehmet sahin**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

Complainant states, and provides documentation in support thereof, that it is the owner of Int'l Reg. No. 637074 (registered March 31, 1995) for SIEMENS for use in connection with goods and services in 23 international classes (the "SIEMENS Trademark").

FACTUAL BACKGROUND

Complainant states that it is "a trademark holding company, licensing the trademarks at issue within Siemens Group. The Complainant is a subsidiary of Siemens Aktiengesellschaft, which is the ultimate mother company of the 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." Complainant further states: "Siemens Group is headquartered in Berlin and Munich. It is one of the world's largest corporations, providing innovative technologies and comprehensive know-how to benefit customers in 190 countries. Founded more than 175 years ago, the company is active - to name but a few examples - in the fields of Automation and Control, Power, Transportation, Logistics, Information and Communications, Medical Technology etc."

The Disputed Domain Name was created on October 21, 2025. A screenshot of the website associated with the Disputed Domain Name provided by Complainant states that the Disputed Domain Name is for sale at a "Buy Now" price of 5,738.40 euros. The website also states, among other things, "SIEMENS is a GENERIC WORD about electricity, and a German last name."

PARTIES CONTENTIONS

Complainant contends, in relevant part, as follows:

Paragraph 4(a)(i): Complainant states that the Disputed Domain Name is confusingly similar to the SIEMENS Trademark because the SIEMENS Trademark has "a global reputation," "belongs to the best-known trademarks in the world today" and "[b]y virtue of the long use and the renown of the Complainant's mark 'SIEMENS' this is exclusively associated with the Siemens Group." Complainant further states that the Disputed Domain Name "is identical" to the SIEMENS Trademark because the top-level domain .app "may be

disregarded when assessing whether a domain name is identical or confusingly similar to a mark.”

Paragraph 4(a)(ii): Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “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’” and “does not have any connection with” Complainant; the Disputed Domain Name “is currently parked with the Registrar” and “is offered for sale at the price of 5,738.40 EUR,” which means that “it is obvious that the Respondent has not used and is not currently using the domain name in connection with a bona fide offering of goods or services”; Respondent “has not been commonly known with the domain name”; “[i]n view of the long and extensive use of the mark ‘SIEMENS’ throughout the world, decades prior to the acquisition of the domain name ‘siemens.app’ from the Respondent, it is obvious that the Respondent is well aware of the existence of this mark, whose status and reputation has been assessed in various UDRP judgements in the past”; “[u]nder these circumstances, 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”; and “[t]he Respondent cannot make any legitimate non-commercial or fair use of the domain name, while there is nothing to suggest that the Respondent would not aim at misleadingly diverting consumers and Internet users to other sites, searching for the legitimate websites of the Siemens Group.”

Paragraph 4(a)(iii): Complainant states that the Disputed Domain Name was registered and is being used in bad faith because, inter alia, “Respondent clearly knew about the Complainant’s earlier rights on the trademark ‘SIEMENS’”; “[p]anels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith”; “registering a domain name for subsequent resale will lead to Panels finding that the domain is registered in bad faith, if the circumstances indicate that the Respondent’s intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the Complainant’s trademark” and “[s]uch circumstances, alone or together, include the Respondent’s likely knowledge of the Complainant’s rights and the distinctiveness of the Complainant’s mark”; “[i]t is impossible to assume that the Respondent was not aware of the Complainant’s business and that it chose the element ‘Siemens’ for its domain name as a mere coincidence”; “the Respondent chose the domain name ‘siemens.app’, assuming that the Complainant would be interested in registering it, and therefore aiming to force the Complainant to buy it from the Respondent”; “in the scenario where this plan would not work, holding this domain would easily allow the Respondent to create a false impression to internet users that this is another legitimate domain address owned and used by the Complainant or its affiliate companies, in order to generate undue monetary profit”; and “the bad faith of the Respondent can be confirmed by the use of a privacy protection service, which makes it impossible to identify the Respondent.”

In its Response, Respondent does not clearly address the UDRP’s three elements and provides significant irrelevant statements. Respondent provides the following relevant statements:

[Respondent’s use of a privacy service was] not my choice, it is the default; most domains on internet have hidden whois. Why should I make an effort and spend time to change default settings.

...

Siemens is a fully generic word namely:

A Last Name

A Physics term , namely $1 \text{ siemens} = 1/\text{Ohm} = 1 \text{ Ampere}/1 \text{ Volt} = \text{Coloumb square} \times \text{Second} / \text{Meter square} \times \text{kilogram}$

AND THIS IS ENOUGH FOR DEFENSE, unless there is a bad faith.

There is no bad-faith because there is no hint that this domain was registered or used in bad faith.

Trying to sell generic domains is completely ok, even if there is a trademark

...

it is clear from the content of the page, that Siemens INC/AG whatever, is not the target of this listing

Respondent has also submitted numerous emails in this proceeding, which are neither relevant nor permitted and, therefore, will not be considered by the Panel.

Complainant has submitted a supplemental filing, in which Complainant states, among other things:

[The SIEMENS Trademark] is intrinsically connected to the Group’s products and services in the mind of both the general and the specialized professional consumer public.

...

[T]he burden of proof on displaying intention of legitimate use lies on the Respondent. While the latter claims he parked the domain with the Registrar until it is “used in another way”, and that he wants to protect it for “future use”, he does not provide any suggestions or examples whatsoever of such legitimate future uses of the domain name.

...

It becomes evident that the only fathomable use of the domain name “siemens.app” would be trying to resell the domain to either the Complainant or ill-intending third parties that want to take advantage of a domain name containing a famous trademark such as the one of the Complainant.

...

[F]or the purpose of assessing whether the second and the third UDPR elements are fulfilled, it must be concluded that the use in which the Respondent is engaging is a merely pretextual use to avoid being accused of bad faith in UDRP proceedings. In reality, the Respondent has registered and is offering the domain for sale in bad faith, in full knowledge of the existence of the Complainant's identical earlier rights on the famous trademark "Siemens".

The Respondent limits himself into repeatedly claiming that he is providing "useful information" on the Siemens physics unit, and that this should qualify as legitimate use. By looking at the landing page of the Respondent, however, it is obvious that the information on the etymology of Siemens as a physics metric unit and is simple pretext to make the fact of selling the domain appear less malicious.

...

[W]here the domain name at issue is identical or confusingly similar to a highly distinctive or famous mark, Panels have tended to view with a degree of skepticism a Respondent defense that the domain name was merely registered for legitimate speculation (based for example on any claimed dictionary meaning) as opposed to targeting a specific brand owner.

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 Panel declines to make a finding as to whether Respondent has 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 not, to the satisfaction of the Panel, shown that 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

Identical or Confusingly Similar: Paragraph 4(a)(i)

The trademark citation and documentation provided by Complainant are sufficient to establish that Complainant has rights in the SIEMENS Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the SIEMENS Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., "siemens") because "[t]he 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." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1.

Here, the Disputed Domain Name contains the SIEMENS Trademark (and only the SIEMENS Trademark) in its entirety. As set forth in section 1.7 of WIPO Overview 3.0: "[I]n 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."

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

Rights or Legitimate Interests: Paragraph 4(a)(ii)

Given the Panel's findings below with respect to paragraph 4(a)(iii), the Panel declines to make any findings under paragraph 4(a)(ii).

Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the UDRP may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the UDRP: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's 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 the registrant's website or location or of a product or service on the registrant's website or location.

This is an unusual and challenging case. On the one hand, the strength of the SIEMENS Trademark is clear. On the other hand, as Respondent has noted, "siemens" is a dictionary word. According to the Merriam-Webster website, it means "a unit of conductance in the meter-kilogram-second system equivalent to one ampere per volt." WIPO Overview, section 4.8 ("it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision"). Thus, the SIEMENS Trademark is not a fanciful trademark, which the International Trademark Association has described as including words "that have no inherent meaning and were especially created to be trademarks." (<https://www.inta.org/fact-sheets/trademark-strength/>)

Complainant's arguments with respect to bad faith rely largely, though perhaps not explicitly, on the doctrine of passive holding. This doctrine, first set forth in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003, is described in WIPO Overview 3.0, section 3.3, as follows:

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.

While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

While it is clear that the SIEMENS Trademark is distinctive and enjoys a strong reputation, this alone is insufficient to find bad faith, given the dictionary meaning of the word "siemens," even if it is not well-known as such. Indeed, numerous previous panels under the Policy have refused to find bad faith based solely on the fact that a disputed domain name contains a well-known trademark that is not fanciful. For example, in a dispute involving the domain name <tambour.com>, a panel wrote:

The Complainant... argues that the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding and alleges that the Respondent conceals its identity and uses false contact details in breach of its registration agreement for the disputed domain name. However, as pointed out by the Respondent, the doctrine of passive holding was developed and established in respect of circumstances that have not been shown to be present in this case. The disputed domain name is a dictionary word in some languages with uses by multiple parties; the Respondent has responded to the Complainant's correspondence prior to the dispute and has submitted a Response in this proceeding; and there is no evidence that the Respondent has provided false contact details or concealed its identity. In view of this, the Panel's view is that the doctrine of passive holding is not applicable to this case.

Tambour Ltd v. Alexander Lerman, WIPO Case No. D2019-0229. Here, although the record does not indicate that "Siemens" is "used by multiple parties," it is nevertheless a dictionary word; Respondent has submitted a Response; and the only concealment of Respondent's identity was in the public record for the Disputed Domain Name, which, as noted below, is a common practice today, and there is no evidence that Respondent provided false contact details.

And, in a dispute involving the domain name <sage.ai>, a three-member panel wrote:

Even if the Respondent had been aware of the Complainant's trademark rights, this knowledge would not have necessarily prevented the Respondent from acquiring the disputed domain name in good faith for its common meaning, so long as the disputed domain name is not used by the Respondent in a manner that infringes upon the Complainant's trademark rights. Obviously, if the Respondent attempts to use the disputed domain name in relation to the Complainant or related... goods or services, the Respondent will cross the line.... In short, knowledge of the existence of a trademark is of no help to the trademark owner unless the domainer is making a use of it indicating that the trademark or its owner is being targeted.

Sage Global Services Limited v. Narendra Ghimire, Deep Vision Architects, WIPO Case No. DAI2023-0010.

In another case, involving the domain name <arm.world>, a panel wrote:

Having reviewed the substance of the Respondent's email communications, there is no indicia to suggest that the Respondent was aware of the Complainant and its ARM trade mark **and specifically targeted them....** The Complainant has not furnished

evidence showing, for instance, that the landing page to which the disputed domain name resolved, had links to the type of goods and services the Complainant provides and is known for and/or to third party-competitors of the Complainant. The Complainant has failed to demonstrate, with evidence, that the Respondent has been misleading Internet users or acting outside her legitimate rights within the domain name registration system.

Arm Limited v. (Chun Lin Lu), WIPO Case No. D2021-0970 (Emphasis added.)

The Panel acknowledges that all of the decisions cited above can, in some ways, be distinguished from the current proceeding. However, the prevailing theme is that registration of a domain name containing a complainant’s well-known trademark is not, by itself, sufficient to establish bad faith where the trademark is also a dictionary word.

Finally, with respect to two additional issues raised by Complainant: First, although Respondent’s identity was protected from public disclosure by use of a privacy service, the Panel acknowledges that domain name registrations today are commonly protected by such services and, therefore, under the circumstances of this case, the Panel is unwilling to find bad faith based on the use of such a service. Second, although Respondent has offered the Disputed Domain Name for sale, it is unclear whether Respondent’s primary purpose in registering the Disputed Domain Name was to sell it to Complainant or a competitor of Complainant, as is required by paragraph 4(b)(i) of the Policy, especially given the dictionary meaning of the word “siemens.”

To be clear: The Panel is sympathetic to Complainant’s assertion that Respondent’s references to “siemens” as something other than the SIEMENS Trademark are “merely pretextual use to avoid being accused of bad faith in UDRP proceedings.” However, the nature of UDRP proceedings – without discovery, testimony or trials – sometimes makes it impossible to determine all of the relevant facts and motivations. In this case, real questions remain that prevent the Panel, however suspicious, from finding bad faith at this time. The Panel notes that a proceeding in court might be able to properly explore these questions. The Panel also notes that, under appropriate circumstances, a complainant may refile a UDRP complaint, such as “when the complainant establishes that legally relevant developments have occurred since the original UDRP decision” or “where new material evidence that was reasonably unavailable to the complainant during the original case is presented.” WIPO Overview 3.0, section 4.18.

Accordingly, the Panel finds that Complainant has not proven the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

- 1. **siemens.app**: Remaining with the Respondent

PANELLISTS

Name	Douglas Isenberg
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DATE OF PANEL DECISION 2025-12-19

Publish the Decision