Decision for dispute CAC-UDRP-108224

Case number	CAC-UDRP-108224
Time of filing	2025-12-15 10:52:07
Domain names	tka-dz.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	thyssenkrupp AG

Respondent

Organization	TKA-DZ

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 enjoys trademark protection inter alia for the word mark “tk”; “TKAT” and "TKAC" by means of several international and national trademark registrations, the validity of which has been established by the filing of registration certificates. The Complainant is also the registrant of numerous domain names containing its trademarks “tk”; "tkab" “tkat”. Both the trademark and domain registrations took place prior to the registration of the disputed domain name.

FACTUAL BACKGROUND

The Complainant is a diversified industrial group with more than 100.000 employees and a revenue of more than 38 billion EUR during the fiscal year 2022/2023. It is one of the world's largest steel producers and was ranked tenth-largest worldwide by revenue in 2015. Since October 1, 2023, the business activities have been bundled into five segments: Automotive Technology, Decarbon Technologies, Materials Services, Steel Europe and Marine Systems. Around 4,000 employees work in research and development at 75 locations all over the world, mainly in the fields of climate protection, energy transition, digital transformation in industry and mobility of the future.

The disputed domain name was registered on 07 November 2025.

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed Domain Name should be transferred or cancelled:

(i) the disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(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.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

EARLIER RIGHTS

The Complainant has registered numerous trademarks for "TK" and names including the letter sequence “TK”, such as “TKAT” and “TKAC”, all of which pre-date the registration of the disputed Domain Name <TKA-DZ.COM> by the Respondent.

COMPARISON WITH THE DISPUTED DOMAIN NAME

In accordance with Paragraph 4(a)(i), the Panel holds that the disputed Domain Name is confusingly similar to the Complainant’s trademarks.

The finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

1. disregarding the top-level suffix in a domain name (i.e. “.com") in the comparison; and
2. finding that the remaining letter sequence “TK” is identically present in the trademarks “TK”, respectively “TKAC” and “TKAT”, registered by the Complainant.

The Respondent has merely added the letter “A” to the most commonly registered trademark relied on by the Complainant. This letter “A” can easily be seen as a reference to an application (an “app”) and to Algeria. Both of these assumptions are reinforced by the use made of the domain name for a fraudulent mobile app targeted at Algerian consumers, respectively consumers located in Algeria.

This finding is further supported by the additional letter combination “DZ”, which is both the country code top-level domain for Algeria derived from “Dzayer”, the local Amazigh/Algerian Arabic name for Algeria and the ISO 3166-1 alpha-2 Code for Algeria.

Therefore, this two-letter combination a clearly recognizable geographic reference. As such, it does not create sufficient distance between the earlier rights and the disputed Domain Name to prevent a finding of similarity.

This also applies to the inclusion of a hyphen in the disputed Domain Name.

The disputed Domain Name is therefore found to be confusingly similar to the earlier rights in the letter combinations "TKA" and “TK”, and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed Domain Name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed Domain Name. The Complainant and the Respondent have not had any previous relationship. The Complainant has never granted the Respondent any rights to use the “TK”, “TKAT” or “TKAC” trademarks in any form, including in the disputed Domain Name.

There is no evidence before the Panel indicating that the Respondent is commonly known by the disputed Domain Name. The mere fact that the Respondent, when registering the disputed Domain Name, indicated that the names of the organization, and the first and last names are all TKA-DZ, are in no way an indication that this could be different. On the contrary, this is a clear indication of the lack of such rights or interests.

The Respondent is not making a bona fide offering of goods or services, nor is it engaged in any legitimate non-commercial or fair use of the disputed Domain Name. Instead, the Respondent is using the disputed Domain Name for a mobile application misrepresented as being an official Thyssen Krupp application for investment and financial transactions. This is done without any disclaimer or clarification of its lack of affiliation. This conduct clearly misleads users, increases the likelihood of confusion, and prevents the Complainant from securing a domain name aligned with its brand identity and reputation.

The Respondent acquired the disputed Domain Name after the Complainant had filed and obtained the registration of multiple trademark applications in numerous countries. Past panels have held that the use of a domain name for illegal activity (e.g. phishing, scams, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.

The Panel therefore concludes that the Complainant’s prima facie case has not been refuted and that no rights or legitimate interest in the disputed Domain Name (within the meaning of paragraph 4(a)(ii) of the Policy) have been established. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed Domain Name was registered by the Respondent and is being used by the Respondent in bad faith.

The Complainant has consistently and publicly made use of its “TK” trademark and trademarks consisting of the letter combination “TK” and additional letters such as “TKAT” and “TKAC”.

The disputed Domain Name is used for a mobile application where the Complainant’s company name “thyssenkrupp” and logo are prominently and unduly displayed, providing evidence that the Respondent has acquired the domain registration in order to use it to copy the Complainant’s brand since the Respondent deliberately sought to associate its own offerings with it. Such conduct clearly supports the finding of bad faith registration and use under the Policy.

Moreover, the Respondent was evidently aware of the Complainant’s well-established reputation when it acquired the disputed Domain Name, at a time when the Complainant’s trademark had long achieved significant global recognition and visibility across multiple markets. The Respondent’s registration indicates a deliberate attempt to associate with the Complainant’s brand and benefit from the growing recognition.

In light of the extensive and well-documented public exposure and considering the linguistic and commercial context in which it operates, it is inconceivable to assume that the Respondent acquired the disputed Domain Name without intending to target the Complainant.

The use of the Complainant’s trademarks on the website respectively mobile application, combined with services offered under the “thyssenkrupp” name and logo, confirms that the Respondent is not only fully aware of the Complainant’s business, but is actively seeking to benefit from its goodwill. Such behavior is incompatible with any claim to rights or legitimate interest in the disputed Domain Name and further supports the conclusion that the Respondent’s registration and use of the Domain Name were carried out in bad faith.

The Respondent’s decision to acquire a domain name consisting of the Complainant’s distinctive mark – without any credible

explanation or legitimate interest – strongly suggests that the acquisition was not coincidental, but rather a calculated attempt to benefit from the Complainant's reputation.

Taken together, these circumstances clearly demonstrate that the Respondent acquired and is using the disputed Domain Name in bad faith, with the intent to exploit the Complainant's brand recognition and goodwill. The factual context leaves little doubt that the Respondent was aware of the Complainant's activities and deliberately sought to benefit from its commercial success.

Based on the above, the Panel concludes that the Respondent has registered and is using the disputed Domain Name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirements under 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. **tka-dz.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2026-01-16

Publish the Decision