Decision for dispute CAC-UDRP-108314

Case number	CAC-UDRP-108314
Time of filing	2026-01-19 14:17:00
Domain names	jakrause.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	thyssenkrupp Automation Engineering GmbH

Respondent

Name	Alex Foster

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 thyssenkrupp Automation Engineering GmbH, a limited liability company under German law. The Complainant purports to rely on two German trademark applications for “KRAUSE“ and “J..A. Krause“ as well unregistered rights. However, as detailed below, Complainant has failed to identify rights in a mark sufficient for the purposes of Paragraph 4(a)(i) of the Uniform Domain Name Dispute Resolution Policy (the “Policy”) and as such the Complaint must be denied.

PARTIES CONTENTIONS

COMPLAINANT:

The disputed domain name <jakrause.com> was registered on September 21, 2025 and currently it does not resolve to an active website.

The Complainant submits that the disputed domain name is confusingly similar to its pending trademark applications “Krause” and “J.A. Krause”. The omission of punctuation between the initials is, in the Complainant’s view, irrelevant for the purposes of the Policy.

The Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorized to use the Krause name and there is no evidence that the Respondent is commonly known by the disputed domain name or has made preparations for a bona fide offering of goods or services.

The Complainant argues that the Respondent registered and is holding the disputed domain name in bad faith. It emphasizes in particular the proximity between the filing of the Complainant’s trademark applications on September 19, 2025 and the registration of the disputed domain name two days later. According to the Complainant, this timing indicates opportunistic conduct.

The Complainant also asserts that the domain name had previously been advertised for sale prior to the current registration and that the present passive holding prevents the Complainant from reflecting its mark in a corresponding domain name.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has not, 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 Panel did not assess the second element of the Policy.

BAD FAITH

The Panel did not assess the third element 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

First Element

Paragraph 4(a)(i) of the Policy requires the Complainant to demonstrate that the disputed domain name **jakrause.com** is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant does not rely on a registered trademark corresponding to the disputed domain name. The Complainant claims to enjoy rights in the designation "KRAUSE" and "J.A. KRAUSE" based on the following two trademark applications:

Country	Trademark	Classes	Owner	Appl. Date	Appl. No.
Germany	Krause	07 09 42	thyssenkrupp Automation Engineering GmbH; thyssenkrupp AG	19.09.2025	30 2025 119 080 8
Germany	J.A. Krause	07 09 42	thyssenkrupp Automation Engineering GmbH; thyssenkrupp AG	19.09.2025	30 2025 119 0816

However, the German trademark register extracts included in Annex 2 of the Complaint list the applicant for both applications as "Applicant details not yet clear" ("Anmelderangaben noch nicht klar"). The Panel has exercised its limited powers of investigation to consult the publicly available German trademark database and confirms that, as of the writing of this decision, both applications still indicate that the applicant details are unclear. The Complainant has therefore not demonstrated that it is the holder of these applications. In any event, a pending trademark application does not by itself establish trademark rights for the purposes of paragraph 4(a)(i) of the Policy.

The Complainant further asserts that the disputed domain name reflects the name of its founder and that this name enjoys longstanding recognition in the German and international industrial sectors. While not expressly stated, the Complainant seems to imply that the founder's name and longstanding recognition constitute rights in accordance with the Policy. While a complainant may rely on unregistered or common law rights, it must show that the claimed sign has become a distinctive identifier associated with the complainant or its goods and services (see paragraph 1.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"). Evidence of such acquired distinctiveness may include the duration and nature of use, sales under the mark, advertising or promotional activities, public or media recognition, and consumer survey evidence. None of these types of evidence was submitted with the Complaint. As such, in the present case, the Complainant has not provided evidence capable of establishing acquired distinctiveness. In the limited record as submitted, in Annex 4, Complainant includes a Wikipedia entry — apparently accessed on 9 January 2026 — headed "Thyssenkrup Krause". The entry states that this entity was formerly known as "Johan A. Krause Maschinenfabrik GmbH" and is now part of ThyssenKrupp System Engineering GmbH. Even assuming

that such material could be regarded as probative, the Wikipedia entry contains no reference to the Complainant, thyssenkrupp Automation Engineering GmbH.

The Complainant appears to rely solely on this historical reference to assert a 70-year reputation in the name J.A. Krause. However, the Wikipedia article itself indicates that in 2006 the company was renamed “thyssenkrupp Krause GmbH” and that the name “Johann A.” was removed from subsidiaries. Even if the article were considered reliable, it certainly does not demonstrate continued trademark use of the claimed designation by the Complainant, nor that consumers associate the name with the Complainant today. The record further suggests that the designation has not functioned in any way as an identifier for the Complainant since the corporate reorganisation in the mid-2000s.

To the extent the Complainant may be attempting to rely on corporate history, trade name rights, or alleged misleading use of its identity, the Panel notes that the scope of the UDRP is limited to the protection of trademark and service mark rights. The Policy does not extend to company names, trade names, or other commercial designations as such. Any claims based on such rights may be pursued before competent national courts, but they do not suffice to establish standing under the Policy.

In conclusion, the Panel finds that the Complainant has failed to establish rights in a trademark or service mark within the meaning of paragraph 4(a)(i) of the Policy.

As the first element of the Policy has not been satisfied, it is unnecessary for the Panel to consider the remaining elements. The Complaint must therefore be denied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

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

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2026-02-20

Publish the Decision