Decision for dispute CAC-UDRP-108455

Case number	CAC-UDRP-108455
Time of filing	2026-03-03 13:41:38
Domain names	theerbauer.com

Case administrator

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

Complainant

Organization	Kingfisher International Products Limited

Complainant representative

Organization	Convey srl

Respondent

Name	lin qiqi

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 owns several trademark registrations for the word “ERBAUER”, including international registration no. 1443087. This international registration was registered on 26 September 2018 for a variety of goods in classes 1, 4, 6, 7, 8, 9, 11, 12, 18, 20, and 25. It covers China, the European Union, the Russian Federation, and Turkey.

The Complainant also owns the domain name <erbauer.com>, which was registered on 29 June 2001. An affiliated company of the Complainant uses this domain name to advertise its “ScrewFix” website, where it sells home improvement tools, including goods branded “Erbauer”.

The disputed domain name was first registered on 15 August 2025 and transferred to the current registrar on 9 January 2026. Thus, the Complainant’s trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

The Complainant is a British company. It operates under various retail brands, including “B&Q”, “Castorama”, “Brico Dépôt”, “Screwfix”, “TradePoint”, and “Koçtaş”, in seven countries across Europe. The Complainant and its affiliated companies sell home improvement products and services to consumers and trade professionals in their 1,900 stores and via e-commerce channels. The Complainant and its affiliates employ approximately 74,000 people.

The Complainant's "ERBAUER" brand is used for power tools, hand tools, accessories, and related equipment intended for professional tradespeople and serious DIY enthusiasts. The products are distributed on a large scale through the company's retail channels and online platforms.

The disputed domain name resolves to a website that appears to advertise "ERBAUER" power tools. The website is allegedly operated by "the" ERBAUER company, which claims to have an address in Liverpool, England (at a location that is unrelated to the Complainant's own business activities in England). The website features a contact form that users can use to contact the website operator. The Complainant did not authorize the Respondent to register the disputed domain name or operate the website. The Complainant alleges that the Respondent uses the contact form to illegitimately collect personal and sensitive information from unaware users. The Complainant further alleges that the Respondent's website unlawfully reproduces key elements of the Complainant's corporate identity. This includes a fabricated company history that mirrors the Complainant's true origins, which misleads consumers into believing they are interacting with an official, authorized platform.

The Complainant's authorized representatives formally requested the immediate cessation of the Respondent's unauthorized use of the disputed domain name and its transfer to the Complainant's ownership by notifying both the registrar of the disputed domain name and the Respondent. After this initial notice to the original registrar of the disputed domain name, the Respondent changed registrars for the domain to avoid being banned by the original registrar. Despite numerous attempts to contact the Respondent, the Respondent did not respond to the takedown requests from the Complainant's representatives.

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

The disputed domain name is confusingly similar to the Complainant's distinctive "ERBAUER" trademark. Adding the prefix "the" (as in "the real …") does not diminish but rather emphasizes the overall impression that the disputed domain name is connected to the Complainant's trademark.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The Respondent is also not making a legitimate non-commercial or fair use of the disputed domain name and is not commonly known under the disputed domain name. Using the disputed domain name for a copycat website that advertises

counterfeit versions of the Complainant's goods may be considered a “use” of the disputed domain name in connection with an “offering of goods or services”. However, such a website is evidently not a bona fide offering (see below on the corresponding aspects of bad faith). The Complainant’s prima facie evidence was not challenged by the Respondent.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent registered and used the disputed domain name in bad faith, namely by intentionally attempting to attract, for commercial gain, internet users to its websites, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the goods advertised on it (paragraph 4(b)(iv) of the Policy). Given that the use of a domain name for a per se illegitimate activity such as the sale of counterfeit goods can never confer rights or legitimate interests on a respondent, such behaviour is manifestly considered evidence of bad faith (see WIPO Overview 3.0, section 3.1.4). The Respondent’s failure to reply to the messages sent by the Complainant’s representatives is an additional indication of bad faith, as it demonstrates a lack of willingness to engage or address the trademark infringement concerns raised by the Complainant. Finally, the Complainant pointed out that the physical address provided by the Respondent does not correspond to any valid or existing address in Jinan, Shandong, and the postal code listed does not match the region. This provision of false or inaccurate registrant information further reinforces the finding of bad faith, as it indicates an attempt to conceal the Respondent’s true identity and avoid accountability. Again, the Respondent did not challenge the Complainant’s prima facie evidence.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **theerbauer.com**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2026-04-09

Publish the Decision