Decision for dispute CAC-UDRP-108564

Case number	CAC-UDRP-108564
Time of filing	2026-04-10 07:51:41
Domain names	schindlerescalator.net

Case administrator

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

Complainant

Organization	INVENTIO AG

Complainant representative

Organization	Convey srl

Respondent

Name	GUO FU LIU

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 has provided evidence of its ownership of registered trademark rights in the trademark SCHINDLER in numerous jurisdictions.

- International Trademark No. 1265628 in classes 6, 7, 9, 37, 38, 42, 45, registered on May 1, 2015;
- UK Trademark No. UK00002002660 in classes 7, 9, 37, registered on December 29, 1995;
- International Trademark No. 1633618 in classes 9, 10, 11, 17, 19, 21, registered on August 10, 2021;
- International Trademark No. 883565 in classes 6, 7, 9, 16, 35, 37, 38, 42, 45, registered on January 13, 2006, valid in China;
- Chinese Trademark No. 254227 in class 9, registered on June 30, 1985;
- Chinese Trademark No. 19743609 in class 35, registered on June 14, 2017;
- US Trademark No. 3692635 in classes 6, 7, 9, 16, 35, 37, 38, 42, 45, registered on October 6, 2009;
- International Trademark No. G809044 in 35, 42, 45, registered on July 16, 2003, valid in China;
- International Trademark No. G779192 in class 16, registered on April 11, 2002, valid in China.

The registration dates of the trademark predate the registration date of the disputed domain name, <schindlerescalator.net >, registered on February 12, 2026. The Complainant is also the owner of the domain names, <group.schindler.com> and <schindler.cn>.

FACTUAL BACKGROUND

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A. Complainant's Factual Allegations

The Complainant is one of the world's leading manufacturers of escalators, moving walkways and elevators. It was founded in Switzerland in 1874. Today, it is present in over 100 countries, operates over 1,000 branches and employs more than 69,000 people worldwide. The production facilities are located in Brazil, China, Slovakia, Spain, Switzerland, India and the United States. Since the mid-1980s, it has acquired more than 60 companies. In 1980, it began its operations in China through a joint venture based in Beijing and headquartered in Shanghai. It now operates more than 20 branches throughout China. It has maintained a continuous presence in the Chinese market for more than 40 years. It has also contributed to major high-rise and infrastructure projects worldwide. It is also globally recognized for its achievements in digital innovation.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is GUO FU LIU, based at the address of 202, 2 Block, sunshine road, sunshine bay, shaxi, Zhong Shan Shi, Guang Dong, Post Code 528400, China. The disputed domain name was registered on February 12, 2026 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name was passively held.

PARTIES CONTENTIONS

A. COMPLAINANT

Language of the Proceedings

The Complaint is written in English. According to the registrar's verification response, the language of the registration agreement for the disputed domain name is Chinese. The Complainant submitted a request for English to be the language of this administrative proceeding in light of the following circumstances:

- The disputed domain name incorporates the English word “escalator”, which indicates that the Respondent is familiar with the English language;
- The Respondent replied to the Complainant’s C&D letter in English, which demonstrates its ability to understand the English language;
- English is commonly used in international business. It is reasonable to conclude that the Respondent understands the English language;
- Requiring a translation would not serve the interests of procedural efficiency and fairness.

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

- The Complainant contends that the disputed domain name is confusingly similar to its SCHINDLER trademark, as it fully incorporates its well-known trademark, SCHINDLER, and the term “escalator” directly refers to its core products and business. The combination of these two elements reinforces the association with the Complainant and its business in the field of elevators and escalators;
- It is well-established under the UDRP that the addition of descriptive or generic terms referring to a complainant’s goods or services does not prevent the finding of confusing similarity, but rather may increase the likelihood of confusion.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain names on the grounds:

- It is not a licensee, distributor, or authorized representative of the Complainant, nor has the Complainant granted it any authorization to use the SCHINDLER trademark in the disputed domain name or in any other manner;
- It is not commonly known by the disputed domain name;
- Its passive holding of the disputed domain name constitutes neither a bona fide offering of goods or services nor a legitimate non-commercial or fair use;

- Its selling the disputed domain name for USD 1,600 demonstrates that its registration and retention of the disputed domain name is not for any legitimate interest;
- It has been granted an opportunity to present arguments that it has rights or legitimate interests in the disputed domain name, but it has failed to do so.

III. The Respondent registered and is using the disputed domain names in bad faith

The Complainant contends that the Respondent registered the disputed domain name in bad faith on the grounds:

- The SCHINDLER trademark has been consistently recognized as a well-known and highly distinctive mark in prior UDRP decisions. It is well-known in the world and in China. The disputed domain name incorporates the SCHINDLER trademark and

associates it with the term “escalator”, which refers to the Complainant’s core products. Such a composition demonstrates that the Respondent registered the disputed domain name with full knowledge of the Complainant and its trademark, which clearly indicates its intention to target the Complainant and its trademark when it registered the disputed domain name;
- The disputed domain name is passively held. UDRP panels have consistently held that the passive holding of a domain name incorporating a well-known trademark may constitute bad faith where the overall circumstances of the case so indicate;
- It proposed to sell the disputed domain name to the Complainant for USD 1,600, which supports the finding of its registration and use of the disputed domain name in bad faith.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

B. RESPONDENT

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 language of the registration agreement is Chinese. The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to the issue of the language of the proceedings and did not reject the Complainant’s request.

The Panel is given discretion under Paragraph 11 of the Rules to determine the appropriate language of the administrative proceeding. Paragraph 10 of the Rules mentions that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. Based on the following factors, the Panel has decided that it would be fair and equitable to all parties to have the language of the proceedings be English:

- The Complaint was written in English, an international language comprehensible to a wide range of internet users worldwide, including those living in China;
- The Respondent replied to the Complainant’s C&D letter in English, which demonstrates its ability to understand the English language;
- While determining the language of the administrative proceedings, the Panel has a duty to consider who would suffer the greatest inconvenience as a result of the Panel's determination. On the one hand, the determination of English as the language of this administrative proceeding – a widely spoken language – is unlikely to cause the Respondent any inconvenience. The determination of Chinese as the language of this administrative proceeding, on the other hand, is very likely to cause the Complainant inconvenience, and to interfere with the overall due expedition of the proceedings under the Rules. See Burberry Limited v Fei Cheng, CAC-UDRP-106643;
- The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to reject its request.

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the domain name; the complainant shall prove the following three elements:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) The respondent has no rights or legitimate interests in respect of the domain name; and

(iii) The domain name has been registered and is being used in bad faith.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response of any argument against what the Complainant claimed and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot help but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant except where there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a complainant must prove that the domain name is identical with or confusingly similar to a trademark or service mark in which the complainant has rights.

A. Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of valid trademark registrations for the trademark SCHINDLER, registered in numerous jurisdictions, including China, as mentioned above in the IDENTIFICATION OF RIGHTS. The trademarks are still valid and their registration dates significantly predate the registration date of the disputed domain name. The Complainant therefore has rights in the trademark SCHINDLER.

B. The disputed domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's trademark SCHINDLER in its entirety. Numerous UDRP Panel decisions have established that the addition of words or letters to a trademark used in a domain name does not alter the fact that the domain name is confusingly similar to the trademark. WIPO Overview 3.0, paragraph 1.8 mentions: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Paragraph 1.7 mentions: “In 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”. The disputed domain name incorporates the Complainant's mark in its entirety together with the term “escalator”, which directly refers to the Complainant’s core products and business. This reinforces the likelihood of confusion. Internet users may reasonably assume that the disputed domain name refers to the Complainant and its business.

As to the generic Top Level Domain “.net”, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a) (i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the grounds:

- It is not a licensee, distributor, or authorized representative of the Complainant, nor has the Complainant granted it any authorization to use the SCHINDLER trademark in the disputed domain name or in any other manner;
- It is not commonly known by the disputed domain name;
- Its passive holding of the disputed domain name constitutes neither a bona fideoffering of goods or services nor a legitimate non-commercial or fair use;
- Its selling the disputed domain name for USD 1,600 demonstrates that its registration and retention of the disputed domain name is not for any legitimate interest;
- It has been granted an opportunity to present arguments that it has rights or legitimate interests in the disputed domain name, but it has failed to do so.

Once the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Paragraph 4(a) (iii) of the Policy provides that the domain name has been registered and is being used in bad faith.

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

WIPO Overview 3.0, paragraph 3.2.2 mentions: "Noting the near instantaneous and global reach of the Internet and search engines and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark". The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the wording SCHINDLER and knew it was the trademark of the Complainant.

The SCHINDLER trademark is well-known in China, where the Respondent is located in. In 1980, it began its operations in China. Now it operates more than 20 branches throughout China. It has maintained a continuous presence in the Chinese market for more than 40 years. Given the distinctive and well-known SCHINDLER trademark, it is implausible that the Respondent selected the disputed domain name without awareness of the Complainant and its trademark. The disputed domain name incorporates the Complainant's mark in its entirety together with the term “escalator”, which directly refers to the Complainant’s core products and business. This reinforces the likelihood of confusion. Internet users may reasonably assume that the disputed domain name refers to the Complainant and its business. This further supports the conclusion that the Respondent registered the disputed domain name with the Complainant and its trademark in mind and with the intention of taking unfair advantage of the Complainant's reputation.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant’s trademark at the time of registration of the disputed domain name. As the domain name would cause confusion to internet users, it should have avoided the registration, which is considered as good faith, rather it registered the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

Furthermore, the Respondent proposed to sell the disputed domain name to the Respondent. Under Paragraph 4(b) of the Policy, Circumstance (i), the sale of the disputed domain name shall be the registration of the disputed domain name in bad faith. See comment below.

B. The disputed domain names is being used in bad faith

The disputed domain name is passively held. WIPO Jurisprudential Overview 3.0 paragraph 3.3 mentions that 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.

See WIPO Case No. D2017-0246, <docmartens.xyz>, “Dr. Martens” International Trading GmbH and “Dr. Maertens” Marketing GmbH v. Godaddy.com, Inc. See WIPO Case No. D2000-0003, <telstra.org>, Telstra Corporation Limited v. Nuclear Marshmallows.

In this case, the Panel is convinced that the overall circumstances of this case strongly suggest that the Respondent’s non-use of the disputed domain name is in bad faith. Such circumstances include all four circumstances mentioned in the Complainant's contention to support its argument that the disputed domain name is being used in bad faith.

Paragraph 4(b) of the Policy lists four alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent. Circumstance (i) indicates that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name. The evidence provided by the Complainant shows that in response to the Complainant’s C&D letter, the Respondent proposed to sell the disputed domain name for USD $1,600. The Respondent’s selling the disputed trademark convinces the Panel that the disputed domain name has been registered and is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b)(i).

Regarding the Complainant’s contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel’s findings on its bad faith.

In view of all the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **schindlerescalator.net**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2026-05-17

Publish the Decision