Decision for dispute CAC-UDRP-108633

Case number	CAC-UDRP-108633
Time of filing	2026-05-06 07:27:08
Domain names	andros.group

Case administrator

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

Complainant

Organization	ANDROS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Marcus Felicio Lopes Dall Col

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

According to the submitted evidence, the Complainant owns, among others, the following trademark registrations:

- International trademark for ANDROS (word mark), Reg. No. 437234, registered on May 9, 1978, in force until May 9, 2028, in International Classes (“ICs”) 5, 29, 30, 31, 32, and 33;

- United States trademark for ANDROS (and design mark), Reg. No. 3134849, registered on August 29, 2006, in force until May 1, 2027, in ICs 29, 30, and 32;

- European Union trademark for ANDROS (word mark), Reg. No. 002383636, registered on February 07, 2003, in force until September 20, 2031, in ICs 5, 29, 30, and 32.

FACTUAL BACKGROUND

The Complainant is a French multinational food company founded in 1967, specializing in fruit and dairy products, headquartered in Biars-sur-Cère, France. The Complainant owns and operates more than 40 factories worldwide, including in the United States of America (“US”), the European Union (“EU”), and Asia [1].

The Complainant also owns a domain name portfolio comprising its trademark ANDROS, including the domain name <andros.fr> registered since June 19, 1997.

The disclosed Respondent seems to be an unrelated individual located in Brazil.

The disputed domain name <**andros.group**> was registered on **February 27, 2026**.

According to the Complainant's submitted evidence, the disputed domain name resolves to an inactive website.

[1] See Andros v. Milen Radumilo, WIPO Case No. D2022-1209.

PARTIES CONTENTIONS

Response

The Respondent did not reply to any of the Complainant's contentions.

Complainant Contentions (summary):

The Complainant contends that the disputed domain name is identical to its trademark ANDROS; that the generic Top-Level Domain ("gTLD") '.group' does not change the overall impression of the designation as being connected to the Complainant's trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the Respondent is not commonly known by the disputed domain name, in particular given the results of the WhoIs; that the Respondent is not related in any way with the Complainant; that the Complainant does not carry out any activity for, nor has any business with the Respondent; neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark ANDROS or apply for the disputed domain name's registration. Furthermore, the disputed domain name has been inactive since its registration, which confirms that the Respondent has no demonstrable plan to use it.

Regarding the bad faith registration, the Complainant contends the ANDROS trademark is well-known worldwide, in particular in relation to fruit-based products; that the association of the ANDROS trademark with the new gTLD '.group' is bound to create a high risk of an implied connection with the Complainant; that is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Regarding the bad faith use, the Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical 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

In accordance with Paragraph 4(a) of the Policy, the onus is on the Complainant to prove:

(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 will consider each of these requirements in turn.

No Response or any kind of communication has been submitted by the Respondent, despite the opportunity given in accordance with paragraph 2(a) of the Rules. Therefore, the Panel shall analyze the evidence submitted by the Complainant and decide this dispute based on the "balance of probabilities" or "preponderance of the evidence" standard. See paragraphs 14 and 15(a) of the Rules, and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, ("WIPO Overview 3.1"), section 4.2.

Identical or Confusingly Similar

Concerning the first element of the Policy, the Complainant has sufficiently proved before the Panel that owns trademark Rights over the term ANDROS. See WIPO Overview 3.1, section 1.2.1.

Concerning the generic Top-Level Domain (gTLD) ".group" in this case, it does not necessarily impact the assessment of the first element; in addition, the Panel notes that the Complainant did not provide sufficient evidence to elaborate on any meaning related to the second or third element. Therefore, it's disregarded. See WIPO Overview 3.1, section 1.11.1 and 1.11.2.

The Panel finds that the disputed domain name is identical to the Complainant's trademark ANDROS.

The Panel finds that the first element of the Policy has been satisfied.

Rights or Legitimate Interests

Concerning the Second Element of the Policy, to this Panel it is clear that:

(1) The Respondent is not associated with or affiliated with or hasn't been authorized or licensed by the Complainant to register the disputed domain name;

(2) There is no evidence that the Respondent corresponds or has become commonly known by the term "andros.group";

(3) Nothing in the record suggests or infers any fair or non-commercial use of the disputed domain name, in particular given its lack of activity.

According to the evidence submitted by the Complainant and the absence of Response, the Panel finds that the Complainant has made out its prima facie case. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise. See WIPO Overview 3.1, section 2.1.

Furthermore, the Panel finds that there is no favorable evidence towards the Respondent concerning the nature of the disputed domain name, which carries a high risk of implied affiliation. See WIPO Overview 3.1, section 2.5.1.

The Panel finds that the second element of the Policy has been satisfied.

Registered and Used in Bad Faith

Registration in Bad Faith:

In this case, according to the evidence provided, by the time the Respondent registered the disputed domain name, the Complainant had already established its trademark Rights, especially in France, at least since May 1978.

The composition of the disputed domain name is not coincidental, in particular given the nature and worldwide recognition associated with the Complainant's business activities and of the ANDROS trademark. Therefore, to this Panel, it is clear that the

Respondent registered the disputed domain name, with the Complainant's ANDROS trademark in mind. See WIPO Overview 3.1, section 3.2.2.

Use in Bad Faith:

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith, here (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name. See WIPO Overview 3.1, section 3.2.1.

In this case, the disputed domain name has remained inactive since its registration. To this Panel, such inactive use—in particular given (i) the extended and worldwide presence of the Complainant's business activities and its ANDROS trademark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the implausibility of any good-faith use to which the disputed domain name may be put—applies under the passive holding doctrine. See WIPO Overview 3.1, section 3.3.

The Panel finds that the third element of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **andros.group**: Transferred

PANELLISTS

Name	**María Alejandra López García**

DATE OF PANEL DECISION 2026-06-03

Publish the Decision