

## Decision for dispute CAC-UDRP-108673

Case number CAC-UDRP-108673

Time of filing 2026-05-25 09:44:26

Domain names listcross.com

### Case administrator

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

### Complainant

Organization Crosslist BV

### Complainant representative

Organization OPLgunnercooke Assosiation of Law Firms

### Respondent

Name Thomas Annan

#### 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

Complainant, Crosslist BV, is the owner of registrations for the trademark CROSSLIST in the EU, US and UK. Most of them postdate the disputed domain name registration. As the Policy requires that a Complainant can invoke at least one trademark and that the case of a predating trademark registration is the easiest case to decide, the Panel will only mention the below one as relevant registration:

#### US registration no. 6807533 CROSSLIST (FIG.), registered on 2 August 2022

Complainant has submitted evidence of the above mentioned registration through a print out from the online database of the US Trademark Register. This trademark is registered in the name of Crosslist BV though on a different address in Belgium. The print out shows that there was a previous assignment.

Based on its discretionary competence (article 10 of the UDRP Rules) the Panel checked the US Trademark Register and find out that the trademark was assigned from Gilles Couvreur to Crosslist BV on 4 July 2025. Further, based on the -to this Complaint- enclosed power of attorney it can be concluded that the assignor, Gilles Couvreur, is the managing partner of Crosslist BV.

Further, following a procedural order based on article 12 of the UDRP Rules, Complainant clarified that the address of Crosslist BV had changed on 9 February 2026 from Elf Novemberlaan 37 in 8930 Menen to Doorniksesteenweg 61/0022 in 8500 in Kortrijk and evidence is enclosed. Complainant further alleged that a change of address is pending at the Trademark registers.

The discretionary investigation of the Panel together with the explanation of Complainant is sufficient according to the Panel to accept the trademark registrations invoked as belonging to Complainant.

In addition, this trademark registration thus pre-dates the registration of the disputed domain name because Respondent registered the disputed domain name <listcross.com> on 23 February 2024.

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#### FACTUAL BACKGROUND

Complainant is Crosslist BV with domicile Kortrijk in Belgium.

Complainant is a Belgian software company headquartered in Kortrijk that develops a SaaS platform for online sellers. This is a tool that allows users to create a product listing once and automatically publish and manage it across multiple online marketplaces from a single interface. Its solution focuses on saving time and simplifying multichannel e-commerce operations through automation and AI-assisted listing features.

Complainant operates in a niche market segment among a few market players and has been listed as one of the best cross-listing apps since early 2022.

Complainant gained significant market presence worldwide with 10.000+ active users by January 2024 and 50.000+ active users by 2026. This is supported by Wayback Machine print outs. Further, the Crosslist application had already acquired significant market recognition among online sellers. This is demonstrated by archived printouts of Crosslist's Trustpilot profile, including an archived January 2024 printout showing a 4.4 Trustpilot rating based on 89 reviews, following an earlier archived 2022 printout showing existing customer recognition and reviews. Later archived printouts show continued growth in the same user base and reputation, including a 4.6 rating based on 321 reviews, evidencing a clear and sustained increase in consumer engagement and goodwill associated with the Crosslist name.

The attached Trustpilot materials further confirm that by January 2024, Crosslist was publicly reviewed as a software company providing cross-listing services for sellers, with users repeatedly referring to the product's ease of use, efficiency, marketplace functionality, and time-saving benefits. This user recognition is also consistent with subsequent media coverage describing Crosslist as a leading cross-listing tool for multi-channel sellers and highlighting its substantial commercial growth, including millions of listings created through the platform, tens of thousands of users, and hundreds of five-star Trustpilot reviews. Accordingly, by the time the listcross.com domain was registered, Crosslist had already developed meaningful market presence, consumer recognition, and goodwill in connection with its cross-listing app solution.

Complainant was incorporated on February 23, 2023 and its domain name <crosslist.com> has been registered on 2004-11-10 19:12:59 UTC. The domain name was acquired by a purchase agreement by Complainant on 17 November 2021.

Complainant is also active on social media, namely operates a Facebook, Instagram, TikTok and YouTube account with a constantly growing follower base.

Respondent is Thomas Annan, with domicile Princeton in the United States. The disputed domain name resolves to a - according to Complainant - largely non-functional page showing an advertising for identical or at least similar services and a login button. Furthermore MX (mail exchanger) records have been set for the disputed domain name as demonstrated by Complainant.

Complainant sent a cease and desist letter on 12 February 2026 to Respondent but this letter was not answered.

Further, it is worth mentioning that in a previous case before the Czech Arbitration Court (CAC-UDRP-108570) Complainant filed a Complaint against the same Respondent with respect to the same disputed domain name <listcross.com>. In that case also a resolution was requested for the disputed domain name <crosslistwizard.com> registered in the name of Moazam Raza. For the latter disputed domain name a resolution was given but with respect to the disputed domain name <listcross.com> the Panel decided that Complainant had failed to demonstrate that the requirements for consolidation of the two disputed domain names were met, and the request for consolidation was denied, followed by the termination of proceedings and the recommendation to Complainant to file a separate Complaint concerning the disputed domain name <listcross.com>.

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#### PARTIES CONTENTIONS

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.

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#### RIGHTS

According to the Policy paragraph 4(a)(i) it needs first to be established that:

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

Complainant observes that the disputed domain name <listcross.com> shares the same top-level domain name <.com> and only differs from its CROSSLIST marks verbal element in that the divisible elements are rearranged, namely the order of the terms “cross” and “list” is reversed. According to well-established UDRP practice, such minor structural alterations do not prevent a finding of confusing similarity where the relevant trademark remains clearly recognizable within the disputed domain name.

Complainant asserts that UDRP panels have repeatedly held that reversing the order of the dominant words or elements of a trademark does not prevent a finding of confusing similarity where the mark remains clearly recognizable. In this respect Complainant cites many previous UDRP cases:

For example, in *Société Nouvelle del Arte v. DataUpper Software*, WIPO Case No. D2016-1840, the panel found <delartepizza.com> confusingly similar to the trademark PIZZA DEL ARTE, holding that the inversion of “pizza” and “del arte,” omission of spaces, and addition of “.com” were minor and insufficient to distinguish the domain name from Complainant’s mark.

Furthermore, see *Istanbul Menkul Kıymetler Borsası-İMKB (Istanbul Stock Exchange-ISE) v. Emir Ulu*, WIPO Case No. D2013-0238, finding that the domain names in issue were confusingly similar to the complainant’s mark (“The only difference between the Complainant’s trademark BORSA İSTANBUL and the disputed domain name is that the terms have been inverted and a gTLD identifier has been added”).

Similarly, in *Plan Ovalo S.A. v. Registration Private / Domains By Proxy, LLC / Carolina Rodrigues*, WIPO Case No. D2021-0513, the panel held that reversing the two terms of PLAN OVALO did not prevent confusing similarity.

In *Carrefour SA v. cesar jimenez*, WIPO Case No. D2022-4384, the panel reached the same conclusion where CARREFOUR PASS was inverted as <passcarrefour.online>.

Thus, Complainant concludes that the same principle applies here: <listcross.com> merely reverses the two elements of the Complainant’s CROSSLIST mark, and CROSSLIST remains recognizable in the disputed domain name and further that the top-level domain name <.com> is required only for technical reasons and can be ignored for the purposes of comparison of the disputed domain name to the Complainant’s marks, as is common in UDRP proceedings.

Complainant continues with alleging that the services of Respondent for which the disputed domain name is used or is intended to use are similar, if not identical to those as rendered under the trademark CROSSLIST.

### The Panel findings

The Panel agrees with Complainant’s allegation that under the Policy postdated trademarks could be successfully invoked against a disputed domain name. However, such case should encompass additional argumentation.

In the present case it is easier to rule based on a pre-registered trademark, now that such a trademark registration is present in the Complaint, and therefore the Panel will only regard the Complaint as based on the pre-registered trademark for CROSSLIST as mentioned under Identification of Rights.

With respect to that CROSSLIST registration the Panel agrees with Complainant and the many UDRP panelists in previous cases that the disputed domain name is confusingly similar as the two elements in which the trademark consists CROSS and LIST are clearly identifiable in the disputed domain name as they are only reversed.

The Panel notes the remark on identity or similarity of the services but will not further go into that matter as, based on the Policy, the above has already proven sufficiently that the disputed domain name is confusingly similar to the trademark of Complainant.

Thus, the Panel agrees with this assertion of Complainant.

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

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### NO RIGHTS OR LEGITIMATE INTERESTS

According to the Policy paragraph 4(a)(ii) it needs further to be established that:

(ii) Respondent has no rights or legitimate interests in respect of the domain name.

Paragraph 4 (c) of the Policy provides circumstances that could demonstrate that Respondent has no rights to and legitimate interests in the Domain Name. These circumstances are not exclusive. Circumstances that are providing rights or legitimate interests to the domain name are:

(i) before any notice to the Respondent of the dispute, the use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if though it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Further, according to the WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., Complainant is required to make out a prima facie case that Respondent lacks rights or legitimate interests. Once such prima facie case is made, Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Complainant states that:

- Complainant has found no evidence that Respondent has been commonly known as "CROSSLIST" or "LISTCROSS" prior to or after the registration of the disputed domain name. The disputed domain name <listcross.com> was registered on 2024-02-23 by an unidentified registrant, residing in Iceland using a privacy shield.
- Complainant has found no evidence that the Respondent owns any trademarks incorporating the term "CROSSLIST" or "LISTCROSS".
- Complainant has found no evidence that Respondent has ever traded legitimately under the business name "CROSSLIST" or "LISTCROSS".
- Respondent is not a licensee of Complainant and has not received any permission, consent or acquiescence from Complainant to use its "CROSSLIST" marks or its variations in association with the registration of the disputed domain name or, indeed, any domain names, services or products.

Moreover, Complainant alleges that Respondent's own adoption of a sign that is confusingly similar to Complainant's prior CROSSLIST mark and used in direct competition with Complainant's services. A print out of Respondent's website is enclosed mentioning on the home page: Stop Losing Money on MANUAL LISTINGS. The #1 AI Powered Cross-Listing Platform that helps resellers.

Complainant thus concludes that there is no conceivable use of the disputed domain name that would confer any legitimate interest upon the Respondent.

The Panel finds that the allegations of Complainant are sufficient to conclude.

Complainant has, to the satisfaction of the Panel, shown 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).

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#### BAD FAITH

According to the Policy paragraph 4(a)(iii) it finally needs to be established that:

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

Paragraph 4 (b) of the Policy provides circumstances on that demonstrate that Respondent has registered and used the domain name in bad faith. These circumstances are not exclusive.

Those circumstances are for example:

(i) circumstances indicating that Respondent has registered or has 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; or

(ii) Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Complainant asserts that Respondent has used and registered the disputed domain name in bad faith and substantiates this with several arguments:

#### 1. Distinctiveness of the trademark and its reputation, using same colour scheme on the website

Given the distinctiveness of the "CROSSLIST" trademarks, it is unlikely that the Respondent had no knowledge of the Complainant's marks when he had registered the disputed domain name confusingly similar to such marks. Further reinforcing this conclusion, the website available at <listcross.com> adopts the same primary color scheme, a distinctive purple (violet/lilac) color scheme as that used in connection with Complainant's CROSSLIST trademarks, thereby strengthening the likelihood that Respondent was aware of and intentionally sought to imitate Complainant's brand.

First use in trade for the CROSSLIST mark, according to the trademark registration in the United States, occurred on 16 August 2020. Complainant acquired the domain name on 17 November 2021. Reviews on the Trustpilot website and references to CROSSLIST "among the best apps to cross list magic items" in the market appear as early as 2022 and 2024, with user reviews and ratings dated as early as 2023 and 2024.

According to Complainant the CROSSLIST trademark was already widely known within its niche market segment. Therefore, it is difficult to believe that Respondent was unaware of Complainant's existence and its branding when registering the disputed domain name, according to Complainant.

## 2. Competitive overlap, but a largely non-functional website

Submitted evidence shows the competitive overlap, confirming that Listcross promotes itself as a cross-listing platform for resellers, with features such as cross-platform listing sync, AI product categorization, bulk uploads and edits, real-time inventory management, dynamic pricing AI and analytics. Complainant's platform offers the same type of SaaS solution: cross listing, multichannel inventory management, AI-assisted listing creation, bulk edits, relisting, price adjustments, and centralized marketplace management.

Further, the website at <listcross.com> presents itself as a competing cross-listing and reseller software platform, but its blog content appears artificial and inconsistent with a genuinely operating business. For example, the blog page shows almost all listed articles as having been published on the same date, October 1, 2024, each marked as "1y ago", with only one article dated October 11, 2024.

Moreover, the website of Respondent appears to be largely non-functional and gives the impression of an artificial or placeholder site rather than a genuine operating business. The content displayed on the page does not permit meaningful user interaction. Any attempt to click on links or navigate the site simply redirects the user back to the same introductory page, creating the illusion of functionality without providing any actual service. In particular, key features such as account creation do not appear to function properly as when users attempt to register, no action is performed and no account is created, furthermore the blog content appears generic and bulk-published. This supports the inference that the Respondent created the website to give an appearance of legitimacy while targeting the Complainant's CROSSLIST mark.

According to Complainant this pattern indicates that Respondent has not created a genuine, independently developed business presence, but rather a thin website populated with bulk-dated, generic, artificial, and possibly AI-generated blog posts designed to give the appearance of legitimacy. In context, this supports the inference that Respondent registered and used <listcross.com> to target the Complainant's earlier CROSSLIST mark, to create the impression of a functioning competing service, and to divert Internet users seeking or familiar with the Complainant. Such conduct constitutes bad faith registration and use under the Policy.

Complainant further contends that an Internet user typing in the disputed domain name or finding it via a search engine or in the ending of an email address, would reasonably expect the disputed domain name to be associated with or endorsed by Complainant.

## 3. Website of Respondent is configured with MX and SPF records

Also, Complainant asserts that the disputed domain name is configured with MX and SPF records meaning that it can be used for e-mail communication. Evidence of this is enclosed to the Complaint. Given the confusing similarity between <listcross.com> and the Complainant's CROSSLIST mark, any e-mail sent from an address using the disputed domain name could mislead customers, business partners, or other third parties into believing that the e-mail originates from, or is authorised by, Complainant. Even if there is no evidence of actual phishing, the configuration of email records increases the risk of abusive use and supports an inference of bad faith.

In this respect, Complainant refers to *Arnold Clark Automobiles Limited v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico* [WIPO Case No. D2021-3924] which on the point of MX and SPF records the panel notes:

Furthermore, the disputed domain name has mail server (MX records) attached to it and consequently e-mail messages can be sent and received using mail addresses on domain name that is confusingly similar to the Complainant's ARNOLD CLARK trademark. In this particular case, the Respondent went one step further and not just that mail servers have been configured on disputed domain name, but also Sender Policy Framework ("SPF") record has been configured. Such records decrease the likelihood of e-mails sent from the specified server from being marked as spam by the recipient, meaning that the Respondent has put additional effort to make sure that e-mails sent from addresses attached to disputed domain name will not end up in spam folder of recipients. Although the Complainant has not provided any evidence that phishing or fraudulent e-mails have indeed been sent by the Respondent, **the Panel holds that the mere presence of mail servers and SPF records represents a severe risk of phishing or other**

**fraudulent and abusive activities and together with other evidence, supports an inference of bad faith on the Respondent's side.** Having in mind the confusing similarity of the disputed domain name to the Complainant's ARNOLD CLARK trademark, it is rather difficult to imagine that mail server attached to disputed domain name would be used for any good faith purposes.

#### **4. Use of privacy and proxy service**

Also, Complainant argues that the use of a privacy service by Respondent is indicative of bad faith. Complainant refers to section 3.6 of WIPO Overview 3.1, which asks, "How does a registrant's use of a privacy or proxy service impact a panel's assessment of bad faith?" and answers: "There are recognized legitimate uses of privacy and proxy registration services; the circumstances in which such services are used, including whether the respondent is operating a commercial and trademark-abusive website, can however impact a panel's assessment of bad faith."

Considering that the disputed domain name is confusingly similar to Complainant's name and trademarks and that there are other indicia of bad faith, Complainant cannot see how the use of a privacy service can be legitimate in these cases. Therefore, Complainant avers that the use of a privacy service by Respondent is further indication of bad faith registration and use of the disputed domain name.

Moreover, as Complainant states, Respondent has provided false or incomplete contact information and it refers in this respect to *Government Employees Insurance Company v. Domain Admin, Whois protection*, this company does not own this domain name s.r.o. / Hulmiho Ukolen [WIPO Case No. D2019-1924] in which the panel said:

Finally, the Panel has also noted that Respondent not only made use of a privacy protection service in order to conceal its true identity, but also provided fault [sic] or incomplete contact information in the Whois when registering the disputed domain name since the Written Notice on the Notification of Complaint dated August 20, 2019 could not be delivered by courier. These facts at least throw a light on Respondent's behavior which supports the Panel's bad faith finding.

Complainant asserts that the use of the privacy shield, and false or incomplete contact information in the Whois is indicative of Respondent's bad faith as it demonstrates that Respondent seeks to conceal itself from the Panel and Complainant.

#### **5. No answer to cease and desist letter**

Respondent failed to respond to the cease and desist letter sent to the contact e-mail address provided on the website as contact information support@listcross.com. This lack of response further supports the conclusion that the disputed domain name is being used in bad faith.

#### **The Panel findings**

Firstly, it needs to be established that the trademark CROSSLIST of Complainant should have been known at Respondent's end. Complainant, in this respect, demonstrates rankings and reviews of its trademark as well as followers on social media. These indeed show that the trademark is known at the relevant public but not convincingly at time of registering the disputed domain name according to the Panel.

However, the combination of the below factors leads to the Panel's conclusion that Respondent must have been aware of Complainant's trademark at the time of registering its domain name.

These factors have been presented by Complainant:

- The reverse of the terms CROSS and LIST is an indication of creation of a confusing trademark resembling the one of Complainant rather than creating a descriptive trademark staying close to the descriptive terms itself for the specific services, like cross listing;
- The denial of responding to the cease and desist letter was sent to Respondent;
- The use of a privacy or proxy service to shield Respondent's identity;

Thus, the registration of the disputed domain name is in bad faith.

With respect to the use of the website under the disputed domain name: as demonstrated it is advertising similar services. Further, it cannot be a coincidence that the website is using the same colour (purple).

Whether the website is operational is not entirely clear to the Panel. Evidence submitted to the Complaint shows a web page referring to cross listing services and functionalities such as a login button. According to Complainant, these functionalities do not function but the Panel cannot verify this.

The submitted evidence makes it clear however, that MX servers are set up for the domain name and, according to UDRP case law, this is an indication of bad faith use:

CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono:

“There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.”.

The combination of factors, colour use on the website, the presence of MX records, lead to the conclusion that the disputed domain name is used in bad faith, whether passively or actively.

Therefore, the Panel concludes that 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).

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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.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **listcross.com**: Transferred

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**PANELLISTS**

Name	<b>Marieke Westgeest</b>
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DATE OF PANEL DECISION **2026-06-29**

**Publish the Decision**

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