Decision for dispute CAC-UDRP-108842

Case number	CAC-UDRP-108842
Time of filing	2026-07-22 09:08:58
Domain names	tomtom.store

Case administrator

Name	Olga Dvořáková (Case admin)

Complainant

Organization	Tomtom International B.V.

Complainant representative

Organization	Convey srl

Respondent

Name	Gina Yu

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 the owner of several TOMTOM trademark registrations worldwide, including, but not limited to, the following:

- International Trademark Registration No. 801582 for TOMTOM registered since 14 February 2003 in class 9 & 38;
- International Trademark Registration No. 905070 for TOMTOM registered since 4 May 2006 in class 9, 38, 39, 41, 42 & 45;
- United States Trademark Registration No. 79031570 for TOMTOM registered since 8 April 2008 in class 9, 38, 39, 41, 42 & 45;
- United States Trademark Registration No. 78231460 for TOMTOM registered since 14 April 2009 in class 9, 38, 39 & 42.

FACTUAL BACKGROUND

The Complainant is a Dutch multinational company founded in 1991 and headquartered in Amsterdam, the Netherlands. The Complainant is a provider of location technology, digital mapping solutions, navigation products, and related software and services. The evidence shows that the Complainant operates internationally and maintains offices in a number of countries across Europe, Asia and North America.

Since the launch of its first satellite navigation devices in 2004, the Complainant has established a substantial reputation in the fields of navigation technology and digital mapping. Over the years, the Complainant has expanded its business from consumer navigation products to include advanced automotive technologies, high-definition maps, real-time mapping platforms, application programming interfaces (APIs), fleet management solutions, and mobility services. The Complainant's customers and partners include major international companies such as Volkswagen Group, Stellantis, Microsoft, BMW, and Uber.

The Complainant further contends that it has continuously invested in innovation and has developed a significant global presence. As of 2025, it employs more than 3,600 people and conducts business in 29 countries worldwide.

The evidence further demonstrates that the Complainant has continuously invested in innovation and has developed a significant global presence. As of 2025, it employs more than 3,600 people and conducts business in 29 countries worldwide.

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).

The Complainant asserts rights in the TOMTOM mark based on its trademark registrations. Registration of a trademark is sufficient to establish rights in a mark for the purposes of paragraph 4(a)(i) of the Policy. See Avast Software s.r.o. v. Milen Radumilo, 102384 (CAC 2019-03-12). The Panel finds that the Complainant has rights in the TOMTOM mark under paragraph 4(a)(i) of the Policy.

The disputed domain name consists solely of the trademark TOMTOM combined with the generic Top-Level Domain ("gTLD") ".store" and it is well established that a gTLD is generally disregarded when assessing confusing similarity under the first element of the Policy.

Upon a side-by-side comparison, the Panel finds that the trademark TOMTOM is reproduced in its entirety within the disputed domain name. Consequently, the disputed domain name is identical to the Complainant's trademark for purposes of the Policy. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's TOMTOM trademark.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant states that it has neither licensed nor otherwise authorized the Respondent to use the TOMTOM trademark or to register a domain name incorporating that mark. The Complainant further contends that there is no evidence that the Respondent is commonly known by the disputed domain name or by the designation "TomTom". According to the Complainant, the Respondent has not used, nor made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Instead, the disputed domain name was used to advertise the domain name for sale for USD 1,450, an amount substantially exceeding ordinary registration costs.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. See Boehringer Ingelheim Pharma GmbH & Co KG vs Gina Yu, 108854 (CAC 2026-08-22) ("the disputed domain name is identical to the SPIRIVA Trademark. Previous UDRP panels have consistently held that a domain name identical to a complainant's trademark carries a high risk of implied affiliation. In the present case, the ".store" TLD may further reinforce such risk by suggesting a website through which products bearing the SPIRIVA Trademark are offered for sale.").

The burden therefore shifts to the Respondent to demonstrate rights or legitimate interests in the disputed domain name. However, the Respondent failed to submit a Response and has not otherwise rebutted the Complainant's assertions.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant argues that, given the longstanding use and international reputation of the TOMTOM trademark, which predates the registration of the disputed domain name by many years, the Respondent could not reasonably have been unaware of the Complainant's rights when registering the disputed domain name. According to the Complainant, TOMTOM is a highly distinctive and well-known mark in the fields of location technology, navigation, and digital mapping, and the Respondent intentionally registered a domain name consisting entirely of that trademark.

The Complainant further submits that the disputed domain name was used to offer the disputed domain name for sale at a price of USD 1,450, which significantly exceeds the Respondent's likely out-of-pocket registration costs. The Complainant argues that such conduct demonstrates an intention to profit from the goodwill associated with the TOMTOM trademark and constitutes evidence of bad faith under the Policy.

The Complainant also relies on evidence indicating that the Respondent controls a large portfolio of domain names, including domain names corresponding to well-known third-party trademarks, which the Complainant says supports a pattern of abusive domain name registrations. In addition, the Complainant asserts that the registrant contact information appears to be inaccurate or incomplete and notes that the Respondent failed to respond to the Complainant's cease-and-desist communication as well as to participate in the present proceeding.

Having reviewed the Complaint and its annexes, including screenshots of the website to which the disputed domain name resolved, and taking into account the absence of any Response, the Panel reaches the conclusion that it is more likely than not that the Respondent has registered the disputed 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.

Accordingly, the Panel finds that the Respondent's conduct falls within paragraph 4(b)(i) of the Policy. See COMPAGNIE DE SAINT-GOBAIN vs Gina Yu, 108851 (CAC 2026-08-21) ("The Complainant's SAINT-GOBAIN trade mark substantially predates the disputed domain name and is well known worldwide in the relevant industry. The disputed domain name is identical to the Complainant's registered trademark (less the hyphen) and, with the top-level domain name .store its evident that the Respondent planned to offer the disputed domain name for sale to either the Complainant or competitors of the Complainant. This is evidenced further by the evidence which shows that, immediately following registration, the disputed domain name resolved to a GoDaddy page on which it was offered for sale for USD 1,450, which is more than the out-of-pocket costs for purchasing such a domain name."). Respondent's prior UDRP record in which domain names have been transferred away further supports a finding that Respondent has engaged in a bad faith pattern of "cybersquatting."

For the foregoing reasons, the Panel finds the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the Policy were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the Policy, the Panel concludes that the disputed domain name should 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. **tomtom.store**: Transferred

PANELLISTS

Name	Mr Paddy TAM

DATE OF PANEL DECISION	2026-08-25

Publish the Decision