Decision for dispute CAC-UDRP-108914

Case number	CAC-UDRP-108914
Time of filing	2026-08-06 14:38:54
Domain names	aboutgardena.com, gardenawinkel.com , gardenakorting.com, tuingardena.com, tuinopruiminggardena.com, gardenatuinwinkel.com

Case administrator

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

Complainant

Organization	Husqvarna AB

Complainant representative

Organization	Sipara Sweden AB

Respondents

Name	jianbing gan
Name	yilei zhang
Name	Zhiyuan Wu
Name	Qingming Dong
Name	Gang Qin
Name	Mary Barnhartar

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 names.

IDENTIFICATION OF RIGHTS

The Complainant has based this complaint on the following registrations for GARDENA owned by the same Husqvarna AB:

- German Trademark Registration No. 816307 filed on April 22, 1965, registered on February 23, 1966 and duly renewed for products included in classes 1, 7, 8 and 31;
- German Trademark Registration No. 867882 filed on December 11, 1969, registered on April 7, 1970 and duly renewed for

products included in classes 6, 7, 8, 17 and 21;

- U.S. Trademark Registration No. 73399683 filed on October 7, 1982, registered on February 12, 1985 and duly renewed for products included in classes 7 and 8;
- EUTM No. 3591542 filed on December 22, 2003, registered on August 2, 2005 and duly renewed for products included in classes 1, 6, 7, 8, 9, 11, 12, 17, 20, 21, 25 and 28;
- EUTM No. 18384219 filed on December 3, 2019 and registered on September 15, 2021 for products and services included in classes 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 35, 36, 37, 38, 41, 42 and 44;
- EUTM No. 18383209 filed on March 10, 2020 and registered on August 18, 2021 for products and services included in classes 1, 6, 7, 8, 9, 11, 12, 16, 17, 19, 20, 21, 25, 27, 28, 35, 37, 41 and 44;
- EUTM No. 18383209 filed on March 10, 2020 and registered on August 18, 2021 for products and services included in classes 1, 6, 7, 8, 9, 11, 12, 16, 17, 19, 20, 21, 25, 27, 28, 35, 37, 41 and 44;
- International Registration No. 1560889 of December 15, 2019 for products and services included in classes 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 35, 36, 37, 38, 41, 42 and 44;
- International Registration No. 815929 of April 14, 2003 and duly renewed for products and services included in classes 1, 3, 5, 6, 7, 8, 9, 11, 12, 17, 19, 20, 21, 22, 25, 28, 35, 41, 42 and 44;
- Chinese Trademark Registration No. 47398980 filed on June 19, 2020 and registered on April 14, 2021 for products in class 8.

FACTUAL BACKGROUND

The Complainant is Husqvarna AB, the parent company of the Husqvarna Group, which was founded in 1689. The Husqvarna Group is a world-leading provider of innovative products and solutions for forest, park and garden care. It is present in more than 100 countries and sells its products to thousands of dealers and leading retailers worldwide. The Husqvarna Group has 12,000 employees and achieved net sales of more than SEK 46 billion and an operating income (EBIT) of SEK 2,89 billion in 2025.

The GARDENA brand became part of the Husqvarna Group in 2007. However, the brand's origins date back to 1961, when GARDENA was founded in Germany by entrepreneurs Werner Kress and Eberhard Kastner. Today, the GARDENA brand is present in over 80 countries around the world.

The Complainant, under its GARDENA brand, offers a broad range of gardening products across its markets. It is a global leader in residential watering and smart watering solutions and holds a strong market position in gardening tools, including tools for lawn, tree and shrub care, as well as soil cultivation. The Complainant also invests significant financial resources in promoting products marketed under the GARDENA trademarks. Furthermore, the GARDENA brand and its products have received numerous awards.

A 2025 Polish market survey conducted by Biostat found that 75.4% of respondents recognized the GARDENA trademark. Of the respondents who recognized the mark, 70.3% associated GARDENA with garden equipment, and a further 22.7% with the gardening sector.

The Complainant is the owner of a large number of trademarks for the name GARDENA which are registered throughout the world.

The GARDENA trademarks are protected and used for a wide range of products, including various gardening, horticulture, agriculture, forestry, park maintenance and construction products as for example hand tools, chain saws, lawn mowing machines, garden tractors, hedge trimmers or power cutters, and have acquired considerable goodwill through their long-term use.

The Complainant is also the holder of a number of domain names which include the term GARDENA, such as: <gardena.com>, <gardena.de>, <gardena.nl>, <gardena.se>, <gardena.cz>, <gardena.fr>, <gardena.pl> and<gardena.es>.

The Complainant notes that the domain names in dispute are:

1) <aboutgardena.com>;

2) <gardenawinkel.com>;

3) <gardenakorting.com>;

4) <tuingardena.com>;

5) <tuinopruiminggardena.com>;

6) <gardenatuinwinkel.com>.

Despite the fact that the registrar verification has revealed six different registrants for the six domain names in dispute, according to

the Complainant, the available evidence indicates that (i) the disputed domain names are subject to common control by a single person or entity acting through multiple aliases, and (ii) the determination of the dispute in a single consolidated proceeding would be procedurally efficient and fair and equitable to the parties.

In particular, the Complainant outlines the following circumstances to support a finding of common control:

a. Identical naming pattern since all the disputed domain names incorporate the Complainant's GARDENA trademark together with descriptive English or Dutch terms: "about", "winkel" (Dutch for "shop"), "korting" (Dutch for "discount"), "tuin" (Dutch for "garden"), "opruiming" (Dutch for "clearance sale"), and "tuinwinkel" (Dutch for "garden shop").

b. Common targeting since all the disputed domain names target the same Complainant and the same brand.

c. Highly similar e-mail-address structure since all the registrants' e-mail addresses follow the same pattern, namely a personal name combined with a non-standard e-mail domain that appears to have been systematically created for registration purposes (e.g., "mailhservicess.com", "bestmailvip.com", "zmailonlinesale.com", "shopmailhkvipser.com", and "onlineusemail.com"). None of the registrants use a mainstream e-mail provider.

d. The registrants of <tuingardena.com> and <tuinopruiminggardena.com>, although presented as different individuals, use the same e-mail domain (@shopmailhkvipser.com). Both domain names were registered through the same registrar on the same date, 13 June 2025, within nine minutes of each other.

e. Several postal codes disclosed in the registrar verifications do not appear to correspond to the stated cities or counties. For example, postal code 582277 does not appear to correspond to Zigui County, and postal code 437214 does not appear to correspond to Suzhou City, Anhui Province. In addition, two addresses share the same unusual formatting, namely "No, 417, Jianjian, Road" and "No, 629, Wenan, Road."

f. The disputed domain names were registered in two clusters (May–June 2024 and June 2025) through only two registrars, and in all cases the registrants data were shielded by a privacy service.

g. The websites to which the disputed domain names resolve share a similar layout, design, and content, including the unauthorized use of several copyrighted photographs belonging to the Complainant.

Accordingly, it is the Complainant's view that the Panel could consolidate the claims relating to all six disputed domain names in a single administrative proceeding.

In addition, the Complainant infers that the domain names in dispute are confusingly similar to the GARDENA trademark since they entirely include the Complainant's trademark combined with English or Dutch generic terms.

Furthermore, the Complainant informs that the domain names in dispute are not connected with nor authorized by the Complainant. In particular, the Complainant has never authorized or permitted the Respondents to use the mark GARDENA in its domain names. The Complainant also notes that the Respondents are not commonly known by any of the domain names in dispute.

The Complainant also assumes that the domain names in dispute were registered in bad faith as the sole purpose for the registration was and is to impersonate the Complainant for fraudulent purposes. The Respondent's impersonation of the Complainant is designed to deceive third parties into believing that the domain names in dispute are owned by the Complainant and are offering legitimate products. In particular, the Complainant notes that if internet users proceed to order and purchase products from the websites, they are asked to fill in personal information - name and surname, address, e-mail address and phone number.

Finally, the Complainant considers that the provision of incomplete and false information as well as the use of privacy shield at the time of registration of the disputed domain names, and the failure to respond to the Complainant's communications intended to inform the Respondents of the ongoing abuses, are further factors that help to demonstrate the registration and use in bad faith of the disputed domain names.

PARTIES CONTENTIONS

Complainant´s contentions are summarised above.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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

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 names (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 names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Consolidation of Respondents.

According to Article 3(c) of Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), the Complaint may relate to more than one domain name, provided that the disputed domain names are registered by the same domain-name holder. According to Article 10(e) of Rules a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.

The Complainant requests to consolidate its claims against the registrants of the disputed domain names notwithstanding that the registrant details are different, on the grounds that all the disputed domain names are subject to common control and that it is equitable and procedurally efficient to consolidate the proceedings. The Complainant, in particular and among other things, relies on the fact that all six domains resolve to websites that are substantively identical, impersonating the Complainant's business and using its branding and copyrighted photographs. In addition, the Complainant outlines that all the disputed domains were registered in two clusters (May–June 2024 and June 2025) through only two registrars, and in all case the registrant's identity was shielded by a privacy service. Additionally, the Complainant notes an identical naming pattern since all the disputed domain names incorporate the Complainant’s GARDENA trademark together with descriptive English or Dutch terms.

The Panel agrees with the Complainant observations and in particular notes that all the websites connected to the disputed domain names share extremely similar features and design and moreover all the websites include the Complainant's GARDENA trademark and photographs (as reproduced in the Complainant's official website). In the Panel's view this is a crucial point in order to conclude that all the disputed domain names are subject to common control.

In the light of the above Complainant considerations, and notwithstanding the clear existence of six different registrants (Respondents), the Panel considers that all the disputed domain names are under the same common control.

In previous cases similar to the one at hand the Panel has decided to order the consolidation (see, for example, CAC Case No. 107587) and the Panel therefore agrees to the Complainant’s request, even considering that, due to the circumstances of the present case, it is equitable and procedurally efficient to consolidate the proceedings.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy provides that to obtain the transfer of the domain name; the complainant must prove that each of the following elements is present:

(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.

1) The Complainant has demonstrated rights through registration and use on the GARDENA trademark. The Panel finds that the disputed domain names are confusingly similar to the GARDENA trademark of the Complainant. Actually, all the disputed domain names include the GARDENA trademark with the addition of English or Dutch words which have to be considered generic where related to the Complainant's business. In particular, the Panel finds that the mark GARDENA is perfectly recognizable within all the disputed domain names. The generic TLD (.com) is a mere technical requirement which, as such, does not affect the confusing similarity between the signs and should be totally disregarded in the comparison between the Complainant's mark and the disputed domain names. The Complainant therefore succeeds on the first element of the Policy.

2) The Complainant demonstrated that all the websites to which the disputed domain names are linked pretend to impersonate the Complainant's business also by using the Complainant mark and photographs (as reproduced in the Complainant's official website). The Complainant clearly considers that Respondent has the hope and the expectation that Internet users looking for the brand

GARDENA will be directed to the websites corresponding to the disputed domain names. The Panel finds that said activity, of course, does not provide a legitimate interest in the disputed domain names under the Policy. Furthermore, the Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain names as it was never authorized to use the GARDENA trademark by the Complainant. The Respondent, in the absence of any Response, has not shown any facts or elements to justify prior rights or legitimate interests in the disputed domain names. The Complainant therefore succeeds on the second element of the Policy.

3) Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the Respondent has registered or acquired the disputed domain names primarily for the purpose of selling, renting, or otherwise transferring the disputed domain names registration to the Complainant who is the owner of the trademark or service mark or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name; or

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

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

(iv) by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

In the present case, the Panel is satisfied that the Complainant has made out a case of registration and use in bad faith in terms of paragraph 4(b)(iv) of the Policy. The use of the disputed domain names to impersonate the Complainant's business also by the unauthorized reproduction of the Complainant trademark and photographs clearly affirms that the Respondent was aware of the Complainant and the Complainant's GARDENA trademark when it registered the disputed domain names, and that it intended to target the Complainant and the Complainant's mark for its own commercial gain. This finding leads to the obvious conclusion that the disputed domain names have been registered in bad faith (Research In Motion Limited v. Privacy Locked LLC/Nat Collicot - WIPO Case No. D2009-0320; The Gap, Inc. v. Deng Youqian - WIPO Case No. D2009-0113; AXA S.A. v. P.A. van der Wees - WIPO Case No. D2009-0206; BHP Billiton Innovation v. Ravindra Bala - WIPO Case No. D2008-1059).

Furthermore, it is the Panel's view that the websites associated with the disputed domain names are designed to cause the Complainant's end-users to believe that they are dealing with the Complainant's portal when they are not. Use of domain names to impersonate a complainant for fraudulent purposes is manifestly considered evidence of bad faith under the Policy (see, for example, FIL Limited v. Stewart Lawton, WIPO Case No. D2021-2218 and Olympus Corporation v. WhoisGuard Protected, WhoisGuard, Inc. / Flash Webs, WIPO Case No. D2021-0382). The circumstance that all websites linked to the disputed domain names drive users to provide sensitive information in order to proceed with the purchase of the products illustrated in the websites reinforce the above-mentioned Panel's finding.

In addition, the Complainant insists that bad faith has to be considered also due to the Respondent's lack of reaction to the Complainant attempts to contact the Respondent regarding the infringements referred to in these proceedings and in consideration of the fact that the Respondent has used a privacy shield to conceal its identity and has provided false information at the time of the registration of the disputed domain names. In this respect the Panel confirms that the use of a privacy shield and of false information in domain name registrations as well as the Respondent's failure to respond to the Complainant contentions and as a result to provide any evidence whatsoever of any good faith registration and use of the disputed domain names are additional indications of bad faith (see, e.g., News Group Newspapers Limited and News Network Limited v. Momm Amed la, WIPO Case No. D2000-1623, Nike, Inc. v. Azumano Travel, WIPO Case No. D2000-1598, America Online, Inc. v. Antonio R. Diaz, WIPO Case No. D2000-1460). Therefore, the Panel finds that the Complainant has also satisfied the third element of the Policy.

In consideration of the above, the Panel concludes that the Respondent registered and is using the disputed domain names in bad faith. The Complainant therefore succeeds also on the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **aboutgardena.com**: Transferred
2. **gardenawinkel.com** : Transferred
3. **gardenakorting.com**: Transferred
4. **tuingardena.com**: Transferred

5. **tuinopruiminggardena.com**: Transferred
6. **gardenatuinwinkel.com**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2026-09-11

Publish the Decision