Decision for dispute CAC-UDRP-107441

Case number	CAC-UDRP-107441
Time of filing	2026-08-17 11:12:02
Domain names	4rainfast.shop

Case administrator

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

Complainant

Organization	Otto Graf GmbH Kunststofferzeugnisse

Complainant representative

Organization	Grünecker Patent- und Rechtsanwälte PartGmbB

Respondent

Name	Hugo Chapman

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 owns registered trademark rights in the 4RAIN mark, including the following:

- European Union trademark registration no 004009536 for the figurative mark 4RAIN, applied for on September 3, 2004 and registered on December 15, 2005, in classes 11, 19 and 20; and
- United Kingdom trademark registration no UK00904009536 for the figurative mark 4RAIN, applied for on September 3, 2004 and registered on December 15, 2005, in classes 11, 19 and 20.

FACTUAL BACKGROUND

The following facts are asserted by the Complainant and are not contested by the Respondent.

The Complainant, based in Germany, was established in 1962 and is a leading vendor in the field of rainwater utilisation and management systems. It develops, manufactures and markets an extensive range of products for water management, including filters and tanks for the harvesting and purification of rainwater, and its products are sold in Germany and in more than 80 further countries, including through specialist retailers and online. The Complainant makes its brands available through its own websites at <graf.info> and <garantia.com>.

4RAIN is the Complainant's brand for rainwater harvesting, storage and management solutions, comprising above ground and underground rainwater tanks, rainwater utilisation systems for homes and gardens, infiltration and stormwater retention systems, and accessories such as filters, pumps and control units. MODULARIS, GARANTIA, RAPIDO and GRAF are further marks of the Complainant used in relation to products within the same range.

The disputed domain name <4RAINfast.shop> was registered on August 22, 2025. It resolves to an online shop presented in the German language which displays a 4RAIN logo, accompanied by a water droplet graphic, at the head of each page. The shop offers what are presented as the Complainant's own products under listings such as "4RAIN Flachwassertank Komplettpaket", "4RAIN MODULARIS Erdtank", "4RAIN Terra Regentonne", "4RAIN Classic Regentonne" and "GARANTIA RAPIDO Regensammler", and it reproduces product photographs and descriptive text taken from the Complainant's own website and catalogue.

The prices displayed at the website are a small fraction of the Complainant's recommended retail prices for the same goods. By way of example, a 5000 litre 4RAIN Flat tank system is offered at EUR 22.20 against a recommended retail price of EUR 2105; a 2500 litre 4RAIN Modularis tank system is offered at EUR 22.80 against a recommended retail price of EUR 825; and a 275 litre 4RAIN Terra wall tank is offered at EUR 21.90 against a recommended retail price of EUR 147. The Complainant states that the number of such listings is in the double digits.

The website carries no imprint or other identification of the company operating it. Its contact page gives only a telephone number, the e-mail address customer@4RAINfast.shop and a postal address in Koblenz, Germany. There is nothing at the website which discloses the absence of any relationship between its operator and the Complainant. The Complainant states that its research identified no registered company at the address given by the Respondent in the registration record and that the address appears to correspond to a private residential property.

The Complainant became aware of the disputed domain name through a report from a customer. On May 15, 2026 that customer wrote to the Complainant stating that, on April 28, 2026, she had ordered a "4RAIN slim wandtank 500l" and an "Aqua Tower 350L" water reservoir from the website at the disputed domain name for EUR 127.20 and EUR 75.00, in the belief that it was the Complainant's own website. Her payment was taken and appeared on her bank statement under the name "MH SMART MOTORS LTD", but no goods were ever delivered. Her e-mail to customer@4RAINfast.shop was returned as undeliverable, she could reach nobody by telephone, and MH SMART MOTORS LTD replied that it had nothing to do with her order.

On June 30, 2026 the Complainant wrote to the e-mail address given at the website in an attempt to clarify the matter. That message also returned a delivery failure notice indicating that the recipient server did not accept connection requests.

PARTIES CONTENTIONS

COMPLAINANT

The disputed domain name is confusingly similar to the Complainant's 4RAIN trademark. It contains the trademark in its entirety and adds only the term "fast", a general English word referring to a quick service or solution. The word element 4RAIN is dominant and recognisable notwithstanding the stylisation of the registered marks, and descriptive additions of this kind do not avoid a finding of confusing similarity.

The Respondent has no rights or legitimate interests in the disputed domain name. There is no relationship between the Parties and the Respondent has never received any approval, express or implied, to use the Complainant's trademarks or to register the disputed domain name. The disputed domain name is used to impersonate the Complainant in order to defraud internet users, offering products bearing several of the Complainant's trademarks at prices at which they could not conceivably be sold, and at least one instance of such fraud has in fact occurred. Use of this character cannot amount to a bona fide offering of goods or services.

The disputed domain name was registered and is being used in bad faith. The Respondent deliberately registered a domain name incorporating the Complainant's 4RAIN trademark in order to facilitate fraudulent activity, and the use of the Complainant's MODULARIS, RAPIDO, GRAF and GARANTIA trademarks at the resolving website creates the false impression that the website is affiliated with or authorised by the Complainant. The pricing structure leaves no doubt that this is not a genuinely discounted online shop but a scam. The Respondent has thereby intentionally attempted to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of that website, conduct falling within paragraph 4(b)(iv) of the Policy.

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 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

1. Confusing Similarity

Paragraph 4(a)(i) of the Policy requires that the Complainant demonstrate its ownership of trademark rights and that the disputed domain name is identical or confusingly similar to such trademark. This is a standing requirement and it is not as extensive as the likelihood of confusion test for trademark infringement applied by many courts. Rather, under the Policy confusing similarity is commonly tested by comparing the Complainant's trademark and the disputed domain name in appearance, sound, meaning, and overall impression. See Administradora de Marcas RD, S. de R.L. de C.V. v. DNS Manager / Profile Group, 101341 (CAC November 28, 2016).

Registration of a mark with a national or regional trademark office is ordinarily sufficient to establish rights in that mark for the purposes of paragraph 4(a)(i) of the Policy. See LyondellBasell Industries Holdings B.V. v. Ferreira Margue, 107874 (CAC September 26, 2025) ("a trademark registration with a national trademark agency such as the USPTO, as well as with an international trademark organization such as the EUIPO, is sufficient to establish rights in that mark."). Here the Complainant has submitted screenshots from the databases of the European Union Intellectual Property Office ("EUIPO") and the United Kingdom Intellectual Property Office showing its ownership of the two registrations for the 4RAIN mark, the earlier of which was registered on December 15, 2005.

The Panel notes that each of the asserted 4RAIN registrations is a figurative mark and has considered whether this affects the Complainant's standing. Where a registration consists of a design mark and the relevant words have been disclaimed apart from the mark as a whole, a complainant must provide additional evidence that the words have acquired secondary meaning. See UDRP Perspectives on Recent Jurisprudence, section 1.5 (updated Jan. 15, 2025), available at https://udrpperspectives.org; and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, 3.1("WIPO Overview 3.1"), at paragraph 1.10 ("Where the trademark registration entirely disclaims the textual elements (i.e., the scope of protection afforded to the mark is effectively limited to its stylized elements), panels may find that the complainant's trademark registration is insufficient by itself to establish confusing similarity."). That is not the position here. The EUIPO and United Kingdom records submitted by the Complainant contain no disclaimer of any kind, the term 4RAIN is the sole textual element of each mark, and the stylisation consists only of a slanted type face and a small droplet device which leave the word entirely legible. The Panel therefore finds that the textual element 4RAIN is the dominant feature of the asserted marks and that the registrations establish trademark rights for the purposes of paragraph 4(a)(i) of the Policy.

Turning to the comparison, the second level of the disputed domain name consists of the 4RAIN mark in its entirety followed by the ordinary English adjective "fast". Where the asserted trademark is recognisable within a disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, meaningless or otherwise, does not prevent a finding of confusing similarity under paragraph 4(a)(i) of the Policy. WIPO Overview 3.0, at paragraph 1.8. See also Arkema France v. Wilderman, Oberbrunner and Hammes, 108538 (CAC June 27, 2026). The mark 4RAIN remains plainly recognisable as the first and leading element of the disputed domain name, and the appended descriptive word "fast" does nothing to dispel that recognition.

Finally, the TLD ".shop" is a standard registration requirement and is disregarded in the comparison under paragraph 4(a)(i) of the Policy. Lesaffre et Compagnie v. Tims Dozman, 102430 (CAC May 2, 2019) ("the top-level suffix in the domain name (i.e. the '.com') must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration."). If anything, the chosen TLD here reinforces rather than reduces the impression that the disputed domain name leads to an authorised retail outlet for 4RAIN branded goods.

Accordingly, the Panel finds that the Complainant has rights in the 4RAIN trademark and that the disputed domain name is confusingly similar to that trademark. Thus, the Complainant has satisfied paragraph 4(a)(i) of the Policy.

2. Rights Or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant has the burden of making a prima facie showing that the Respondent has no rights or legitimate interests in the disputed domain name. Cephalon, Inc. v. RiskIQ, Inc., 100834 (CAC September 12, 2014). Once this burden is met, it then shifts to the Respondent to demonstrate that it does have rights or legitimate interests in the domain name. Paragraph 4(c) of the Policy offers the Respondent several examples of how to demonstrate its rights or legitimate interests in the disputed domain name.

With reference to paragraph 4(c)(ii) of the Policy, the Complainant states that there is no relationship whatsoever between it and the Respondent and that the Respondent has never received any approval, express or implied, to use the Complainant's trademarks or to register the disputed domain name. The Respondent has not participated in this case and so does not contest these assertions, and there is no evidence in the record to contradict them. Further, reference may be made to the registration record when considering this issue. MAJE v. enchong lin, 102382 (CAC April 14, 2019) ("panels have held that a Respondent was not commonly known by a disputed domain name if the WHOIS information was not similar to the disputed domain name."). Here the Respondent is identified as "Hugo Chapman", a name which bears no resemblance to the 4RAIN mark or to the disputed domain name, and the Respondent has submitted no claim or evidence that it is known otherwise. The Panel therefore finds no basis on which to conclude that the Respondent is commonly known by the disputed domain name.

Next, under paragraphs 4(c)(i) and 4(c)(iii) of the Policy, the Panel considers whether the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services or whether it is making a legitimate noncommercial or fair use of it. The website at the disputed domain name is plainly commercial, so the question is one of bona fide use. Where a domain name incorporating a complainant's trademark is used to offer that complainant's goods, panels have applied the cumulative test set out in Oki Data Americas, Inc. v. ASD, Inc., D2001-0903 (WIPO November 6, 2001), which requires, among other things, that the respondent actually be offering the goods at issue and that the website accurately and prominently disclose the registrant's relationship with the trademark holder. The website at the disputed domain name fails that test at both points. It contains no disclosure of any kind as to who operates it or as to the absence of any relationship with the Complainant; on the contrary, it displays a 4RAIN logo at the head of every page, copies the Complainant's own product photographs and catalogue text, and adopts the voice of the Complainant in statements such as "Welcome to 4RAIN" and "At 4RAIN, we place innovation, quality, and customer satisfaction at the heart of everything we do." And the prices displayed, at or around one percent of the recommended retail prices of the goods concerned, together with the unrebutted evidence of an order that was paid for and never fulfilled, leave the Panel in real doubt that the Respondent was offering the goods at all.

The Complainant has gone further and made out a case that the disputed domain name is being used as an instrument of fraud. Where the evidence indicates that a domain name is used for illegal activity, such as impersonation, passing off or other types of fraud, panels have consistently held that such use can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, at paragraph 2.13.1. Panels have also recognised that circumstantial evidence can support a complainant's otherwise credible claim of illegal respondent activity, and that goods offered disproportionately below market value and the misappropriation of copyright images from the complainant's website are relevant in this regard. WIPO Overview 3.0, at paragraph 2.13.2. Both features are present here, and the Panel is entitled to weigh them alongside the customer report described above, the undeliverable contact address, and the absence of any identification of the operator of the website.

The Respondent has not replied to the Complainant's allegations and evidence and has advanced no explanation of its conduct, no suggestion that it is selling the Complainant's genuine goods, and no account of the pricing at its website. On a preponderance of the evidence before it, the Panel finds that the Complainant has made out an unrebutted prima facie case and that the Respondent has no rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy.

3. Bad Faith

Under paragraph 4(a)(iii) of the Policy the Complainant must demonstrate, by a preponderance of the evidence, both that the disputed domain name was registered and that it is being used in bad faith. Hallmark Licensing, LLC v. EWebMall, Inc., D2015-2202 (WIPO February 12, 2016) ("The standard of proof under the Policy is often expressed as the 'balance of the probabilities' or 'preponderance of the evidence' standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true."). Further guidance on that requirement is found in paragraph 4(b) of the Policy, which sets out four examples of actions by a respondent that may satisfy this burden of proof.

Inherently prerequisite to a finding of bad faith is some attribution of knowledge of the Complainant's trademark on the part of the Respondent. Here the Complainant's 4RAIN registrations were granted in December 2005, nearly twenty years before the disputed domain name was created on August 22, 2025. More tellingly, the Respondent did not merely adopt the 4RAIN term. It reproduced the Complainant's logo, its product photographs, its catalogue text and its product names, and it deployed four further trademarks of the Complainant, MODULARIS, GARANTIA, RAPIDO and GRAF, in the titles and images of its listings. That degree of copying leaves no room for an innocent explanation and satisfies the Panel that the Respondent registered the disputed domain name with actual knowledge of the Complainant and with the intention of targeting it.

As to use, the Respondent has taken a domain name which internet users would reasonably read as an official 4RAIN retail site and has used it to host a shop which presents itself as the Complainant's own. Using a confusingly similar domain name to pass oneself off as a complainant, for commercial gain, demonstrates bad faith under paragraph 4(b)(iv) of the Policy. See Otto Graf GmbH Kunststofferzeugnisse v. Caitlin Harris, 107368 (CAC April 2, 2025) (bad faith found where "[t]he Respondent deliberately references the Complainant's mark on the websites associated with the disputed domain names in a manner which impersonates the Complainant and presents each website as the Complainant's official website."). The evidence establishes that the Respondent has intentionally attempted to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the

Complainant's 4RAIN trademark as to the source, sponsorship, affiliation or endorsement of that website and of the products offered there.

The record goes further still. The unrebutted evidence shows that a customer of the Complainant placed an order at the website, paid EUR 202.20 for it, received nothing, and was unable to obtain any response from the operator, whose stated e-mail address rejects incoming mail and whose invoice identified an unconnected third party. The website gives a German postal address but no company name, and the address recorded for the Respondent appears to be a private residence at which no company is registered. Panels have consistently held that the use of a domain name for illegal activity, including impersonation and other types of fraud, constitutes bad faith. WIPO Overview 3.0, at paragraph 3.4. The Panel so finds here, and notes that the same conclusion was reached on closely comparable facts in the above-referenced Caitlin Harris decision cited above.

Finally, the Respondent has not filed a Response and has not sought to address the Complainant's allegations or evidence in any way. With no response or other form of rebuttal from the Respondent, the Panel is entitled to draw such inferences from the Respondent's default as it considers appropriate. Rules, paragraph 14(b). The Panel has been unable to identify any conceivable good faith explanation for the Respondent's conduct, and none has been offered.

In all of these circumstances, the Panel finds that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

For all of the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all of the elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **4rainfast.shop**: Transferred

PANELLISTS

Name	**Steven Levy**

DATE OF PANEL DECISION 2026-09-14

Publish the Decision