# Decision for dispute CAC-UDRP-108958

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| Case number | CAC-UDRP-108958 |
| Time of filing | 2026-09-07 13:24:46 |
| Domain names | fastenergy24.com |

## Case administrator

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

## Complainant

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| Organization | FastEnergy GmbH |

## Complainant representative

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| Name | Stefanie Efstathiou |

## Respondent

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| Name | Setkeev Sergey Evgenievich |

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 German word trademark registration No. 30325051 for Fastenergy, filed on May 15, 2003 and registered on November 5, 2003. The registration covers goods and services in classes 4, 35, 42 and 45, including heating oil and electronic commerce services.

FACTUAL BACKGROUND

The Complaint was filed on September 3, 2026.

The Czech Arbitration Court (CAC) sent a request for Registrar Verification on September 4, 2026.

The Registrar, “Ru Center”, failed to respond to the request within two business days as provided in 4 (b) of the UDRP Rules.

The CAC sent ICANN complaint and reported lack of Registrar’s cooperation to ICANN on September 16, 2026.

The Registrar provided Verification on September 16, 2026, explaining that the delay was due to “a high workload”.

The Complainant is a German company operating an online heating-oil price-comparison and ordering business. It states that it has

supplied customers in Germany and Austria since 2003 through a network of partner dealers.

The Complainant holds <fastenergy.de>, registered on October 14, 2002, and <fastenergy.at>, registered on May 6, 2004.

The website under the disputed domain name shows a German-language heating-oil comparison and ordering service branded "fastenergy24". It invites users to enter a postcode and delivery quantity to calculate a price. It claims to have more than 33,000 satisfied customers and over ten years' experience. It also displays testimonials referring to purchases over two or three years.

The Complainant submits a Fakeshop-Finder report and a screenshot identifying warning signs associated with the disputed domain name, including allegedly copied company details and an incorrect VAT identification number. It also submits a Watchlist Internet warning identifying the disputed domain name as a fraudulent online shop.

The Respondent submitted a substantive Response dated October 9, 2026 in Russian. He objects to English as the language of the proceeding, requests a three-member Panel, and contests the Complaint on the merits.

## PARTIES CONTENTIONS

### The Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that:

1) the disputed domain name is confusingly similar to the Complainant's Fastenergy mark, since it incorporates the mark in its entirety. The numeral "24" does not prevent confusing similarity, and the gTLD is to be disregarded;

2) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed or authorised the Respondent to use its mark, and the Respondent is not commonly known by the disputed domain name. It contends that the website is a fake shop offering the same services as the Complainant, whereas the use of a disputed domain name for illegal activity can never confer rights or legitimate interests, and the use is neither a bona fide offering nor a legitimate noncommercial or fair use;

3) the disputed domain name was registered and is being used in bad faith. The Respondent knew or should have known of its mark, which an online search would have revealed, and that the content of the website confirms that the Respondent chose the disputed domain name to suggest an association with the Complainant. The Respondent selected the disputed domain name with knowledge of its business and uses it to attract customers through confusion for commercial gain. It also relies on the use of a privacy service and the allegedly blocking effect of the registration.

The Complainant requests transfer of the disputed domain name.

### The Respondent

The Respondent requests dismissal and a finding of reverse domain name hijacking.

The Respondent repeatedly states that he is a Russian individual residing in Moscow affected by Western sanctions and he faces significant limitations in his defense.

On the merits, the Respondent contends that:

1) "fast energy" describes rapid energy supply and "24" indicates round-the-clock service. He submits that a German trademark registration does not confer a monopoly over ordinary English vocabulary throughout the ".com" space;

2) he has used the disputed domain name since registration for a bona fide offering of goods and services, an operating online shop with real orders, customers and deliveries, conducted openly and documented through orders, delivery confirmations and customer support, long before notice of the dispute;

3) the registration was not directed at the Complainant; the fraud and phishing allegations rest only on automated scanners (Fakeshop-Finder, Watchlist Internet), which issue warnings algorithmically without review by any authority or court; the copied company address in the legal notice was copied by third parties without his knowledge; the misattribution of reviews shows that such sources are unreliable; and the use of a privacy service is not in itself evidence of bad faith.

The Respondent requests that the Complaint be denied.

## RIGHTS

The Complainant has shown that the disputed domain name is confusingly similar to a trademark in which it has rights, within

paragraph 4(a)(i) of the Policy, for the reasons below.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has shown that the Respondent has no rights or legitimate interests in the disputed domain name, within paragraph 4(a)(ii) of the Policy, for the reasons below.

BAD FAITH

The Complainant has shown that the disputed domain name was registered and is being used in bad faith, within paragraph 4(a)(iii) of the Policy, for the reasons below.

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.

- **Registrar non-compliance**

As described above, the Registrar, "Ru Center", failed to provide Registrar Verification within two business days. The Registrar responded only after the CAC filed ICANN complaint.

The Registrar explanation for its delay was "high workload".

The Panel finds that this is not a valid excuse to breach obligations under the mandatory Policy.

Integrity of the UDRP depends on registrars' compliance with their obligations and non-compliance threatens the proper operation of the Policy.

The CAC is invited to bring the failure of the Registrar in this case to the attention of ICANN.

- **Language of the proceeding**

The Panel determines that the language of this proceeding is English. The Response, filed in Russian, has been admitted and considered in full.

Under paragraph 11(a) of the Rules, unless otherwise agreed by the parties or specified otherwise in the registration agreement, the language of the proceeding is the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the proceeding. The Registrar has confirmed that the registration agreement is in Russian. The Respondent is therefore right that Russian is the starting point. He is not right that paragraph 11 lays down a rule that the Complainant's arguments cannot displace. The same provision gives the Panel authority to determine otherwise, and paragraphs 10 (a), 10(b) and 10(c) of the Rules provide that the Panel shall conduct the administrative proceeding in such manner as it considers appropriate in accordance with the Policy and the Rules, require the Panel to ensure that each party is given a fair opportunity to present its case and that the proceeding takes place with due expedition.

The Complainant points out that the Registrar also publishes an English version of its terms. The Panel gives this little weight. The Registrar has confirmed that the registration agreement for the disputed domain name is in Russian, and the Panel proceeds on that basis.

In exercising its authority under paragraph 11(a), a panel may consider, among other things, evidence that the respondent can understand the language of the complaint, the language and script of the domain name, the content of the website, potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, and other indicia that it would not be unfair to proceed in another language. The credibility of the parties' submissionsis especially relevant. Where both parties understand the nature of the proceeding, panels have also taken account of their own ability to read both the complaint and the response, so that each party may plead in a language familiar to it. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (WIPO Overview 3.1), section 4.5.1.

The underlying question is whether the choice of language would deprive either party of a fair opportunity to be heard.

The Panel finds that the circumstances here favour English for the following reasons.

First, the Respondent has shown that he understood the Complaint. His Response answers it point by point under each element of paragraph 4(a) of the Policy. He engages with the specific evidence on which the Complainant relies, including the Fakeshop-Finder and Watchlist Internet reports, the copied company address in the legal notice, the misattribution of negative reviews and the use of

a privacy service. He completed the English-language fields of the CAC Response form, describing his position as the "generic/descriptive character of ‘fast energy’" and invoking the categories of paragraph 4(c)(i) of the Policy. A respondent unable to follow the Complaint could not have answered it in this way.

Second, the disputed domain name consists of the English words "fast" and "energy" in Latin script, followed by the numeral "24". The Respondent’s own defence depends on the English meaning of those words, which he translates and explains in the Response.

Third, the website at the disputed domain name is not in Russian. It is entirely in German and is directed at consumers in Germany. The Respondent chose to conduct his claimed business in a language other than Russian and toward a market outside the Russian Federation. That choice is difficult to reconcile with the contention that he cannot participate in proceedings conducted in a foreign language.

Fourth, the Respondent’s reliance on sanctions does not establish procedural unfairness. He has not been required to instruct foreign counsel or to translate anything. Under the CAC’s UDRP Supplemental Rules, documents are to be submitted in the language of the proceeding or in English, and the Panel may disregard documents in other languages without requesting a translation. The Panel has not done so. It has admitted the Response in Russian and, being able to read it directly has considered it in full. The Respondent also elected a three-member Panel and paid the corresponding fee, which sits uneasily with the claim that he cannot make payments abroad.

Fifth, the Complainant states that it cannot communicate in Russian. Ordering it to translate the Amended Complaint and its annexes into Russian would add cost and delay without any corresponding benefit to the Respondent, who has already put his full case before the Panel.

Having regard to these circumstances, the Panel is satisfied that conducting the proceeding in English, while admitting the Response in Russian, gives both parties a fair and equal opportunity to present their case. The Panel has not drawn any inference against the Respondent from his choice to respond in Russian.

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## PRINCIPAL REASONS FOR THE DECISION

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the WIPO Overview 3.1, which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s mark and the disputed domain name. WIPO Overview 3.1, section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its Fastenergy mark for the purposes of the Policy on the basis of its trademark registration in Germany. WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates the Complainant’s mark in its entirety The addition of the numeral "24" does not prevent a finding of confusing similarity, since the mark remains clearly recognizable. WIPO Overview 3.1, sections 1.7 and 1.8.

The generic Top-Level Domain ".com" is a technical requirement and is disregarded. WIPO Overview 3.1, section 1.11.1.

The Respondent’s contention that "fast energy" is descriptive goes to the second and third elements rather than to standing. The first element is a comparison between the mark and the disputed domain name, and the UDRP is not a forum for challenging the validity of a registered mark. The Complainant has a word trademark that has no disclaimed elements.

The Panel notes, in any event, that the website at the disputed domain name offers the same services in the same market as the Complainant, which confirms that the Respondent sought to target the mark and this is an additional factor that confirms confusing similarity, see WIPO Overview 3.1, section 1.15.

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s mark and that the first element of paragraph 4(a) of the Policy is satisfied.

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

The Complainant has not authorised the Respondent to use its mark, and nothing suggests that the Respondent is commonly known by the disputed domain name. The Complainant has made a prima facie case, and the burden of production shifts to the Respondent. WIPO Overview 3.1, section 2.1.

The Respondent relies on paragraph 4(c)(i) of the Policy. He asserts an operating online shop with real orders, real customers and real deliveries, documented by orders, delivery confirmations and customer support records. Yet he has produced none of those records.

He filed no annexes. If the business were as genuine and as well documented as he says, evidence of it would have been readily available to him, and he must have understood that the Panel would need to see it. His statements remain assertions, and the Panel cannot accept them as proof. Where an explanation is called for and is not forthcoming, the Panel may draw inferences. WIPO Overview 3.1, section 4.2.

The Panel recognises that a domain name formed of dictionary words may confer a legitimate interest where it is used in connection with the meaning of those words, and not to trade on a third party's mark. WIPO Overview 3.1, section 2.10.1. Such a defence is persuasive where a respondent can show a genuine reason for selecting the term, e.g. a consistent practice of registering descriptive names, or real use for a bona fide business reflecting the descriptive meaning. The Respondent offers none of these. He does not explain why, on 30 or 31 January 2026, he chose this particular expression. He does not claim, still less show, a practice of registering descriptive domain names. Nor is his use of the disputed domain name related to any descriptive sense of "fast energy". He uses it for a heating oil price-comparison and ordering service, which is precisely the Complainant's business under the Fastenergy mark.

The content of the website weighs against the Respondent. It is in German only, is directed at German consumers, and describes itself as the "No. 1 heating oil price comparison in Germany". This is difficult to reconcile with the Respondent's own account of a Russian citizen whose dealings with Western jurisdictions are said to be severely restricted by sanctions. The website further claims activity "since 2014", "10+ years" of experience and more than 33,000 customers. These claims cannot be true of a business that, on the Respondent's own case, began using a domain name registered in January 2026. The legal notice identifies a Hamburg company whose address, according to the Fakeshop-Finder report, was copied from an unrelated existing company, and gives a VAT number reported to be invalid. The Respondent says that these details were copied by third parties without his knowledge. He does not explain how third parties came to insert content into the legal notice of a website that he says he operates, and he does not identify the true operator.

The Panel accepts the Respondent's point that automated scanners, warning lists and online reviews are not judicial findings and must be weighed with care. Trustpilot itself states that it does not verify the accuracy of reviews. The Panel's conclusion does not rest on those sources alone. It rests on the website itself, on the false statements it contains about the operator's history and identity, and on the Respondent's failure to substantiate any of his claims. The third-party material is consistent with that conclusion and corroborates it. The website promises payment on invoice or after delivery, while the consumer reviews available in the case file consistently describe demands for a 50 per cent advance payment followed by no delivery. The Respondent does not address these reviews beyond calling the sources unreliable.

Use of a domain name to impersonate a trademark owner or to mislead consumers about the source of an offer cannot confer rights or legitimate interests. WIPO Overview 3.1, section 2.13.1. On the record before it, the Panel finds that the Respondent has used the disputed domain name to present a heating oil service that takes unfair advantage of the Complainant's mark and its established portal, and not for any bona fide offering of goods or services.

Assessing the record as a whole, the Panel finds that the Respondent has not rebutted the prima facie case. The evidence more probably reflects commercial use of a designation chosen to trade on the Complainant's heating-oil business than an independent descriptive use. That use is not bona fide under paragraph 4(c)(i). There is no evidence that the Respondent is commonly known by the disputed domain name, and the commercial ordering website does not establish legitimate noncommercial or fair use under paragraph 4(c)(iii).

Accordingly, the Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

**C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or

otherwise abuses a complainant's mark (see section 3.1 of WIPO Overview 3.1).

Targeting with the intent to take unfair commercial advantage of the complainant's mark is important in establishing bad faith under the Policy.

In the present case, the Panel finds that the Respondent both registered and is using the disputed domain name in bad faith under paragraph 4(b) of the Policy.

The Complainant's trademark registration predates the disputed domain name by more than twenty years, and the Complainant's website at <fastenergy.de> had operated since 2002. That chronology, without more, would not establish targeting, particularly for a mark composed of ordinary English words.

Within weeks of registration, the Respondent was using the disputed domain name for a German-language heating oil price-comparison service, the very field in which the Complainant operates under its mark. The Panel considers it implausible that the Respondent arrived at a domain name reproducing the Complainant's mark, and then deployed it in the Complainant's market, by coincidence. A clear absence of rights or legitimate interests, coupled with no credible explanation for the choice of the domain name, supports a finding of bad faith registration. WIPO Overview 3.1, section 3.2.1. The Respondent's residence in the Russian Federation does not assist him. He directed his website at German consumers, and a disclaimer of knowledge based on a respondent's location carries little weight where the respondent targets a different market. WIPO Overview 3.1, section 3.2.2.

As to use, the website does not present the Respondent as an independent business that happens to use a descriptive expression. The photographs of delivery tankers, presented as genuine deliveries, show the lettering "fastenergy" as the dominant element, with "24" set apart in a contrasting colour. The website mirrors the structure of the Complainant's website: the same postcode-and-quantity price calculator, the same rating seals, the same style of payment icons, and footer menus identical in content and order. It also presents itself as an established German comparison service of long standing, which it is not. In the Panel's view, the Respondent was presenting himself as the Complainant, or as connected with it, rather than promoting a business of his own. Mimicking a complainant's website is a recognised indicator of an intent to attract users by confusion. WIPO Overview 3.1, section 3.1.4. The appearance of a review about an order placed on www.fastenergy24.com among the reviews of the Complainant's business is evidence of the actual confusion that such use is apt to cause.

The Panel finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website and of the services offered on it, within paragraph 4(b)(iv) of the Policy. The Respondent's purpose was to take unfair advantage of the Complainant's mark. Use of a domain name for impersonation or other types of fraud is, in any event, manifests evidence of bad faith. WIPO Overview 3.1, sections 2.13.1 and 3.1.4.

The Complainant also invokes paragraph 4(b)(ii) of the Policy. That provision requires a pattern of conduct, which the Complainant has not shown, and the Complainant already holds domain names corresponding to its mark. The Panel does not rely on it, and need not decide the Complainant's further arguments of opportunistic bad faith and disruption.

The Respondent is right that the use of a privacy service is not in itself evidence of bad faith (WIPO Overview 3.1, section 3.6), and the Panel has not relied on it.

He is also right that some items of evidence, considered individually, are equivocal.

The Panel is entitled, however, to assess the evidence as a whole. Taken together, the circumstances establish that it is more likely than not that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel concludes that the disputed domain name was registered and is being used in bad faith. Paragraph 4(a)(iii) is satisfied.

**D. Reverse Domain Name Hijacking**

The Respondent asks the Panel to find that the Complaint was brought in bad faith. Since the Complainant has established all three elements of paragraph 4(a) of the Policy, the Complaint cannot be regarded as an attempt at Reverse Domain Name Hijacking, and the request is denied. WIPO Overview 3.1, section 4.16.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **fastenergy24.com**: Transferred

## PANELLISTS

| | |
|---|---|
| Name | **Ganna Prokhorova** |
| Name | **Igor Motsnyi** |
| Name | **Neil Brown** |

DATE OF PANEL DECISION 2026-11-03

Publish the Decision