

## **PANEL DECISION**

Silvan (Janis) Stein v. Premium Domain Names S.L.  
Case No. DEU2024-0039

### **1. The Parties**

The Complainant is Silvan (Janis) Stein of Germany, self-represented.

The Respondent is Premium Domain Names S.L. of Spain, internally-represented.

### **2. The Domain Name, Registry and Registrar**

The Registry of the disputed domain name <stein.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is Domain Registrar OÜ.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 24, 2024. On December 26, 2024, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On December 31, 2024, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 3, 2025. In accordance with the ADR Rules, Paragraph B(3)(a), the due date for Response was January 23, 2025. The Response was filed with the Center on January 3, 2025.

The Center verified that the Response satisfied the formal requirements of the ADR Rules and the Supplemental Rules.

The Center appointed Jane Seager as the sole panelist in this matter on January 16, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the ADR Rules, Paragraph B(5).

#### **4. Factual Background**

The Complainant is a German individual named "Silvan Stein".

The Respondent is a Spanish company that focuses on the registration and resale of domain names.

The disputed domain name was registered on June 7, 2022.

At the time of submission of the Complaint, the disputed domain name was offered for sale via the website "dropcatch.ai" with a "Buy it Now" price of EUR 200.

At the time of this decision, the disputed domain name does not resolve to an active web page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant asserts rights in his family name, Stein, pursuant to section 12 of the German Civil Code, which states:

"If the right of a person to use a name is disputed by another person, or if the interest of the person entitled to the name is injured by the unauthorized use of the same name by another person, then the person entitled may require the other to remove the infringement. If there is the concern that further infringements may ensue, the person entitled may seek a prohibitory injunction."

The Complainant submits that the disputed domain name is identical to his family name.

The Complainant asserts that the Respondent's attempt to sell the domain for EUR 200 indicates that the Respondent has no rights or legitimate interests in respect of the disputed domain name, but rather that the Respondent registered the disputed domain name for the purpose of resale. The Complainant argues that the Respondent's listing on the domain name sales platform "www.dropcatch.ai" supports the inference that the Respondent's primary interest is in selling the disputed domain name rather than in using it for any legitimate purpose. The Complainant asserts that the Respondent is engaged in domain speculation rather than having a legitimate interest in the name "Stein".

The Complainant asserts that the fact that the Respondent registered the disputed domain name that corresponds to the Complainant's family name, without having this name itself or a legitimate interest in it, indicates bad faith registration aimed at preventing the Complainant, as the rightful name holder, from using it. The Complainant submits that the Respondent's actions amount to bad faith pursuant to Article 21(3)(a) of Commission Regulation (EC) No 874/2004 (which is reflected in paragraph B11(f)(1) of the ADR Rules):

"[...] circumstances indicate that the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the holder of a name in respect of which a right is recognised or established by national and/or Community law or to a public body."

The Complainant further asserts that the Respondent's pattern of registering domain names corresponding to personal names, without apparent legitimate interest, further demonstrates bad faith.

The Complainant requests transfer of the disputed domain name.

## **B. Respondent**

The Respondent submits that the disputed domain name was selected primarily because "stein" translates to "stone" in German. This selection was influenced by the term's generic and broadly applicable nature, making it suitable for a variety of uses unrelated to any personal name.

The Respondent explains that the choice was purely based on the intrinsic value of the word in the German language and its potential relevance to a project focused on geological topics, construction, or educational content concerning natural materials. The Respondent asserts that the registration of the disputed domain name was in no way a targeted attempt to prevent the Complainant or any specific individual from registering it.

The Respondent notes that "Stein" is a common surname across German and English-speaking countries and elsewhere, significantly diluting any claims to exclusive use of the word in domain names or digital properties. Its widespread usage further supports the non-specific, non-targeted nature of the domain registration.

The Respondent submits that the Complainant is not a public figure, nor is there any evidence suggesting that the surname "Stein" is uniquely associated with the Complainant in the public domain. As such, the registration of the disputed domain name does not infringe upon the personal rights of the Complainant any more than it would any other individual with the same surname.

This lack of trademarks or proprietary rights held by the Complainant reinforces the position that the Respondent's registration and intended use of the disputed domain name do not infringe upon any personal or exclusive rights the Complainant may claim solely based on the surname. The Respondent argues that this aligns with domain name policies and trademark law, which generally require a demonstrable commercial identity or trademark usage to support claims of exclusive rights over a generic or widely used term in domain disputes. "Stein", being a common surname and a word with significant meaning in German, does not lend itself to exclusivity in domain registration or use.

The Respondent submits it has legitimate interests in using the disputed domain name for purposes that align with its meaning in German, and that the disputed domain name is intended for use in a context that is entirely appropriate to its literal meaning, completely unrelated to any personal name.

The Respondent denies bad faith registration or use of the disputed domain name. The Respondent asserts that the disputed domain was registered without any intention to target the Complainant or to exploit the Complainant's surname for commercial gain and that the Respondent's intent is to market the disputed domain name broadly, without specificity to any individual or business entity. Holding of the disputed domain name by the Respondent is not conducted with the intention to target, harm, or exploit the reputation of the Complainant or any specific individual.

## **6. Discussion and Findings**

Pursuant to paragraph B11(d)(1) of the ADR Rules, the Complainant is required to demonstrate that:

- (i) The disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either

- (ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) The domain name has been registered or is being used in bad faith.

**A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law**

The Panel finds that the Respondent has rights in the family name “Stein” for purposes of standing under paragraph B11(d)(1)(i) of the ADR Rules.

The disputed domain name comprises the Second-Level Domain “stein”. The Top-Level Domain “.eu” may be disregarded for the purposes of comparison with the Complainant’s name. The disputed domain name is identical to the name “Stein” in which the Complainant has rights. The Panel finds that the Complainant has satisfied the requirements of the first element of the ADR Rules.

**B. Rights or Legitimate Interests**

The Complainant maintains that the Respondent lacks rights or legitimate interests in the disputed domain name on the basis that the disputed domain name corresponds to the Complainant’s family name and is being offered for sale for EUR 200 – an amount in excess of the Respondent’s costs associated with registering the disputed domain name.

The Respondent, on the other hand, argues that it registered the disputed domain name as part of its business model of registering and selling domain names, and did so in light of the intrinsic value associated with the disputed domain name, noting that the disputed domain name translates as the dictionary term “stone” in German.

Prior panels have held that the registration of a domain name for the purpose of sale may, in certain circumstances, give rise to legitimate interest in that domain name on the part of the registrant; see *Banca Monte dei Paschi di Siena S.p.A. v. Domain Manager, Evolution Media e.U.*, WIPO Case No. [DEU2024-0004](#).

The Panel accepts that “Stein” is used as a family name, including by the Complainant, but also acknowledges that it corresponds to a dictionary term. As noted by the Respondent, the term “stein” has potential for broad application in a variety of contexts. The Complainant has not come forward with any evidence to support a finding that the Respondent registered the disputed domain name with knowledge of the Complainant or his family name at the time that the disputed domain name was registered. Notably, there is no evidence that the Respondent has ever approached the Complainant directly attempting to sell the disputed domain name. Rather, the Panel accepts the Respondent’s assertion that it registered the disputed domain name in light of its inherent value as a dictionary term meaning “stone” in German, and did so without knowledge of the Complainant and therefore without intent to target the Complainant in any way.

In light of the above, the Panel finds that the Complainant has failed to establish that the Respondent registered the disputed domain name without rights or legitimate interests. The Complainant has not satisfied the requirements of paragraph B(11)(d)(1)(ii) of the ADR Rules.

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

The Panel’s findings as to whether the disputed domain name was registered or is being used in bad faith follow the Panel’s conclusions as set out under the preceding element.

The Complainant has not provided any evidence to demonstrate that the Respondent registered the disputed domain name with specific knowledge of the Complainant or with the intent to target the Complainant’s family name. The absence of any direct approach by the Respondent to sell the domain name to the Complainant

further supports the Respondent's assertion that there was no intent to exploit the Complainant's name or reputation.

At the same time, the Respondent has described a business model focused on registering and selling domain names, which includes the registration of domain names composed of descriptive terms with inherent value, such as the German word "stein". The Panel acknowledges that "stein" serves both as a family name and as a dictionary term, suggesting that the term is not exclusively associated with the Complainant, further decreasing the likelihood of bad faith registration or use.

The Panel finds that the Complainant has not established that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the Complainant, as outlined in paragraph B11(f)(1) of the ADR Rules.

For completeness, the Panel has considered whether the disputed domain name is a "personal name for which no demonstrable link exists between the Respondent and the domain name registered", as contemplated by paragraph B11(f)(5) of the ADR Rules. Given that the disputed domain name corresponds to the German dictionary term for "stone" and is also a common surname, as set out above, the Panel is not of the view that the disputed domain name is of a nature to warrant being subject to this provision of the ADR Rules.

For reasons set out above, the Panel finds that the Complainant has failed to establish that the disputed domain name was registered or is being used in bad faith. The Complainant has not satisfied the requirements of paragraph B(11)(d)(1)(iii) of the ADR Rules.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Jane Seager/*

**Jane Seager**

Sole Panelist

Date: February 5, 2025