

ADMINISTRATIVE PANEL DECISION

Iveco S.p.A. v. Vadym Khodyryev
Case No. D2025-0192

1. The Parties

The Complainant is Iveco S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Vadym Khodyryev, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <iveco.online> is registered with Global Domains International, Inc. DBA DomainCostClub.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (DCC Private Registration, DomainCostClub.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 21, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on January 22, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Respondent sent two email communications on January 25, 2025. The Center notified the Parties of the commencement of the panel appointment process on February 17, 2025.

The Center appointed Catherine Slater as the sole panelist in this matter on February 19, 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 Rules, paragraph 7.

4. Factual Background

The Complainant is an Italian company that was founded on January 1, 1975. It manufactures and sells vehicles and engines under the trademark IVECO and has done so for over 50 years. The Complainant currently has over 25,000 employees worldwide, manages vehicle production sites in 11 countries throughout Europe, Asia, Africa, Oceania, and Latin America and has 5,000 sales and service outlets in over 160 countries.

The Complainant is the owner of numerous trademark registrations, including, but not limited to:

- International Trademark Registration No. 426061 for IVECO (word mark), registered on October 21, 1976;
- International Trademark Registration No. 495769, for IVECO (figurative mark) registered on August 2, 1985;
- European Union Trademark Registration No. 001006725 for IVECO (figurative mark), registered on March 27, 2000;

The foregoing trademarks will hereinafter be referred to collectively as the “Complainant’s Trademark”.

In addition, the Complainant owns more than 900 domain names containing the Complainant’s Trademark, including <iveco.com>, which was registered on March 15, 1996, which resolves to its official website at “www.iveco.com”.

The disputed domain name was registered on March 22, 2019. The disputed domain name was pointed to a webpage upon which it was offered for sale for USD 19,999.

On May 25, 2020, the Complainant sent a “Cease & Desist” letter to the Respondent. The Respondent did not respond. After this date, the disputed domain name was re-directing to a different webpage where it was offered for sale for USD 100,000.

At the date of filing of the Complaint, and at the date of this Decision, the disputed domain name continues to redirect to a webpage where it is offered for sale for USD 100,000.

5. Parties’ Contentions

A. 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 the disputed domain name is identical to the Complainant’s Trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not licensed or otherwise authorised to use the Complainant’s Trademark, there is no evidence that the Respondent is commonly known by the disputed domain name, there is no evidence of, or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services and there is no evidence that the Respondent has used the disputed domain name in connection with a legitimate noncommercial or fair use, without intent for

commercial gain to misleadingly divert customers or to tarnish the Complainant's Trademark. The Complainant contends that the offer to sell the disputed domain name does not amount to a bona fide offering of goods or services or legitimate noncommercial or fair use. The Complaint contends that the registration of a domain name identical to the trademark creates a risk of false affiliation with the Complainant. Finally, in this regard, the Complainant contends that the failure of the Respondent to reply to the "Cease and Desist" letter amounts to "adoptive admission of the allegations".

The Complainant further contends that the disputed domain name was registered and is used in bad faith because the Respondent could not possibly have been unaware of the Complainant's Trademark which was well-known and in fact registered it for the purpose of taking commercial advantage of the Complainant's Trademark. The Complainant further contends that the Respondent has registered the disputed domain name primarily for the purpose of selling it to the Complainant for consideration in excess of the Respondent's out-of-pocket costs contrary to paragraph 4(b)(i) of the Policy. In any event, the Complainant contends that registration of a domain name that is identical/confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself lead to a presumption of bad faith. The Complainant further contends that the domain name is used in bad faith in accordance with paragraph 4(b)(iv) of the Policy.

B. Respondent

No formal response was filed. The Respondent did however send two emails to the Center on January 25, 2025 as follows:

"Please tell me if I should take any action regarding the domain iveco.online? Should I reply to your letters that you sent me, yes or no?"

Domain name registration works on a first come, first served basis, meaning that the first person to successfully register a certain domain name becomes its owner.

The common word iveco currently has many registered domains, as well as hundreds of available domains with the word iveco for affordable registration and use in any field of activity!

Please explain to me how I should act in this situation. Did you write your message and complaints only to me or to all the other hundreds of people who registered with this word iveco? I really don't understand why this should be related specifically to me and specifically to the domain name iveco.online? There are hundreds of domain names that are available for registration with the word iveco! Maybe you just need to register any available domain with the word iveco? There are hundreds of Domain Name Extensions available for registration on the market - Over 500 Domain Extensions!

Thank you very much!"

and,

"as an example:

FREE!

iveco.auto

iveco.autos

iveco.car

iveco.cars

these domains are domains for consolidated registration and hundreds of others are also available! And these are domains specifically for your topic! Why don't you do registration of these domains?! THANK YOU VERY MUCH!"

6. Discussion and Findings

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

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 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The record shows that the disputed domain name has been used to link (and later redirect) to a webpage offering the disputed domain name for sale. The Panel notes that the disputed domain name is identical to the Complainant's Trademark (which also corresponds to the Complainant's company name) and to the Second-Level Domain of the domain name <iveco.com> operated by the Complainant since 1996. Given the reputation of the Complainant's trademark in the transportation field and its online presence, the Panel finds, on the balance of probabilities, that the Respondent is attempting to take advantage of the Complainant's Trademark in order to generate profit which cannot give rise to rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In this case, the Panel finds that the Complainant's Trademark is an invented word which also corresponds to the Complainant's company name and the record shows that it is reputed in the transportation field. It is therefore unlikely that, at the time of registering the disputed domain name, the Respondent did not know of the Complainant's Trademark. The fact that the Respondent offered the disputed domain name for sale for an amount likely far in excess of their out-of-pocket expenses, together with the reputation of the Complainant's Trademark and its online presence, in the absence of any credible explanation by the Respondent, leads the Panel to conclude, on the balance of probabilities, that the Respondent registered the disputed domain name because they knew that it is identical to the Complainant's Trademark and intended to target the trademark value of the term.

The Panel also rejects the Respondent's contention that they are entitled to own the disputed domain name on a "first come, first served" basis. In the present case the Respondent has offered the disputed domain name (identical to the Complainant's Trademark and company name) for sale for USD 19,999 and later, USD 100,000. While UDRP panels have recognized that holding a domain name for resale can be bona fide and is not per se illegitimate under the UDRP, the Panel finds, on the balance of probabilities, that the Respondent registered the disputed domain name in the knowledge of the Complainant because of its value as the Complainant's Trademark, in bad faith within the meaning of paragraph 4(b)(i) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <iveco.online> be transferred to the Complainant.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: March 5, 2025