

ADMINISTRATIVE PANEL DECISION

Mercedes-Benz Group AG v. ANDRES VALLVERDU

Case No. D2025-1632

1. The Parties

The Complainant is Mercedes-Benz Group AG, Germany, represented by Heumann Intellectual Property Law, Germany.

The Respondent is ANDRES VALLVERDU, Spain.

2. The Domain Name and Registrar

The disputed domain name <mercedes-benz.autos> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 23, 2025. On April 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 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 April 25, 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 April 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 20, 2025.

The Center appointed Geert Glas as the sole panelist in this matter on May 27, 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 in this administrative proceeding is a German multinational automotive company and one of the world's leading manufacturers of luxury passenger cars and premium vans.

The Complainant owns a large number of trademark registrations which consist of the hyphenated words MERCEDES-BENZ and covering a multitude of product and service classes. These trademark registrations include:

- German trademark registration No. 375067, registered on October 7, 1927;
- European Union trademark registration No. 000139865, registered on February 2, 1999;
- International trademark registration No. 414857, registered on December 14, 1974 and covering a large number of jurisdictions.

The disputed domain name was registered by the Respondent on January 16, 2025.

The Respondent is ANDRES VALLVERDU, an individual with an address in Spain. The disputed domain name does not resolve to an active webpage.

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 its MERCEDES-BENZ trademark is known worldwide as the Complainant's automobile brand. As the disputed domain name consists solely of this trademark, it falsely suggests that it is a domain name originating from the Complainant or that there is at least cooperation between the Complainant and the Respondent.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name as the Complainant has not used the disputed domain name in connection with a legitimate offering of goods or services and is not known under the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that the disputed domain name was registered in bad faith as it consists of its world-famous hyphenated MERCEDES-BENZ trademark. There is no evidence of the Respondent registering the disputed domain name for any reason other than to receive profit from its transfer to the Complainant. This is illustrated by the fact that no use was made of the disputed domain name since its registration.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

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 applicable generic Top-Level Domain ("gTLD"), here ".autos", is disregarded in the assessment of this first element but may play a role in the assessment under the third element.

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 Respondent has indeed not challenged the Complainant's statement that it has not authorized the Respondent to use the MERCEDES-BENZ trademark and that the Respondent has not been commonly known by the disputed domain name. Similarly, the Respondent has not shown to have made any use of the disputed domain name (or demonstrable plans for such use) with a bona fide offering or to have made a legitimate non-commercial or fair use of the disputed domain name.

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

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.

As to the registration of the disputed domain name, it should be noted that panels have consistently found that the mere registration of a domain name which is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

This is clearly the case here, as MERCEDES-BENZ had become a widely-known trademark long before the disputed domain name was registered by the Respondent. As a result, the Respondent knew or should have had knowledge of the MERCEDES-BENZ trademark when registering the disputed domain name. The fact that the Respondent registered the disputed domain name in the “.autos” gTLD further supports this conclusion that the Respondent clearly knew that the Complainant is a worldwide known manufacturer of luxury cars under its MERCEDES-BENZ mark and selected the disputed domain name because of its intention to confuse Internet users seeking or expecting the Complainant.

Based on the available record, the Panel finds that the disputed domain name has been registered in bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s mark, the composition of the disputed domain name, the choice of the “.autos” gTLD as well the implausibility of any good faith use to which the disputed domain name could be put. In view of these circumstances, the passive holding of the disputed domain name by the Respondent does not prevent a finding of bad faith under the Policy.

These circumstances do indeed allow the Panel to infer that the Respondent registered the disputed domain name primarily for the purpose of either confusing Internet users or somehow taking an unfair advantage of the disputed domain name being identical to the Complainant’s mark.

The Respondent had the chance to rebut the Complainant’s arguments concerning its registration and use in bad faith of the disputed domain name but opted not to do so.

Based on the available record, the Panel finds that the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy and 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 <mercedes-benz.autos> be transferred to the Complainant.

/Geert Glas/
Geert Glas
Sole Panelist
Date: June 10, 2025