

## **ADMINISTRATIVE PANEL DECISION**

BTCS Holding AG, Bitcoin Suisse AG v. Gerber Gerber  
Case No. D2025-2436

### **1. The Parties**

The Complainants are BTCS Holding AG, Switzerland, and Bitcoin Suisse AG, Switzerland, represented by FMP Fuhrer Marbach & Partners, Switzerland.

The Respondent is Gerber Gerber, United States of America.

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

The disputed domain name <bitcoinssuisse.com> is registered with Dynadot Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 28, 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 (Unknown Respondent Please contact via Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on July 5, 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 July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 31, 2025.

The Center appointed David Stone as the sole panelist in this matter on August 8, 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 Complainants operate a cryptocurrency investment platform founded in 2013. The Complainants manage cryptocurrency assets worth over CHF 5 billion and have over 200 employees in Switzerland, Liechtenstein, Denmark, and Slovakia.

Among others, the Complainants own the following registered trademarks (the “Marks”):

- BITCOIN SUISSE: Swiss trademark registration no. 710728 registered on December 12, 2017, in international classes 9, 14, 36 and 42; and
- BITCOIN SUISSE: International registration no. 1440549 (designating jurisdictions including Liechtenstein) registered on November 6, 2018, in international classes 9 and 36.

The Complainants have also owned the domain names <bitcoinsuisse.ch> and <bitcoinsuisse.com> since April 9, 2013, and June 17, 2016, respectively.

The disputed domain name <bitcoinssuisse.com> was created on September 27, 2023. The Complainants have provided evidence of the disputed domain name hosting, at a subdomain of the disputed domain name, a parked page containing pay-per-click (“PPC”) links relating to bitcoin mining and trading.

#### **5. Parties’ Contentions**

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainants contend that, under the first element, the sign “bitcoinssuisse” and the Marks look almost identical as the additional letter “s” is extremely easy to overlook, including because it is in the middle of the disputed domain name and because the Marks already contain a double “s” in “SUISSE”.

The Complainants contend that, under the second element, they are the only legitimate service and/or product provider under the Marks. The Complainants did not give the Respondent or any third party permission to use the Marks for the registration and/or use of the disputed domain name. It is also contended that the Respondent is exploiting and taking advantage of the Complainants’ Marks to carry out fraudulent activities.

The Complainants contend that, under the third element, it makes no sense for the Respondent to have registered a domain name with a spelling mistake. Rather, the Respondent sought specifically to register a domain name, which is almost identical to the Complainants’ Marks and its <bitcoinsuisse.com> domain name, with as inconspicuous a difference as possible. They also contend that the Respondent registered the disputed domain name for commercial gain, intending to carry out fraudulent activities and take unfair advantage of the Complainants’ Marks by misleading Internet users into believing that the disputed domain name was operated by or authorized by the Complainants. The Complainants further contend that “Gerber Gerber” is not the Respondent’s real name, and that parts of the postal address and the telephone number provided by the Respondent upon acquisition of the disputed domain name are geographically inconsistent with each other.

## **B. Respondent**

The Respondent did not reply to the Complainants' 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 Complainants' Marks 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 Complainants have 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 Panel finds the Marks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Further, a domain name which consists of a common or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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.

Further, applying paragraph 4(c) of the Policy, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9. The Panel finds that the Complainants' Marks have a reputation and goodwill for cryptocurrency trading services. The Panel accepts the Complainants' evidence of the parked page at the disputed domain name previously showed PPC links for bitcoin mining and trading. Such PPC links compete with or capitalize on the reputation and goodwill of the Marks.

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.

In the present case, the Panel notes that the Respondent: (i) acquired the disputed domain name which comprises a misspelling of the Marks and differs by only one letter to one of the Complainants' official domain names; (ii) used disparate contact details in its acquisition of the disputed domain name; and (iii) hosts at the disputed domain name a parked page showing PPC links that compete with or capitalize on the reputation and goodwill of the Marks.

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.

Particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name; (ii) the chosen Top-Level Domain; (iii) the content of any website to which the domain name directs, including any changes in such content and the timing thereof; and (iv) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name. [WIPO Overview 3.0](#), section 3.2.1.

Under the second and third elements, panels will normally find that employing a misspelling of a complainant's mark signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant. [WIPO Overview 3.0](#), section 1.9.

The Respondent did not come forward to show it has rights or legitimate interests in the disputed domain name, and the Panel finds that the Respondent has no credible explanation for its choice of domain name, which appears to target the Complainants.

Further, the Panel finds that the Respondent more likely than not used false contact details to hide its identity. Furthermore, the Respondent has not attempted to refute any of the Complainants' contentions. Each of these indicia cast additional doubt on the nature of the Respondent's conduct. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Complainants' Marks. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Complainants have 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 <bitcoinssuisse.com> be transferred to the Complainant BTCS Holding AG.

*/David Stone/*

**David Stone**

Sole Panelist

Date: August 22, 2025