

ADMINISTRATIVE PANEL DECISION

Hyline - Hbsi, S.A v. John Pratt

Case No. D2025-2793

1. The Parties

The Complainant is Hyline - Hbsi, S.A, Portugal, represented by Nazaré, Lima, Piriquito Santos & Associados, Sociedade de Advogados, SP RL, Portugal.

The Respondent is John Pratt, United States of America.

2. The Domain Name and Registrar

The disputed domain name <hyline-ds.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 July 28, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 26, 2025.

The Center appointed Martin Švorčík as the sole panelist in this matter on September 1, 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 a Portuguese company specializing in minimalist aluminum systems for sliding doors, windows, and pivot solutions. Its designs feature ultra-slim frames that maximize natural light while delivering high thermal, acoustic, and structural performance. The Complainant emphasizes customization, offering options in finishes, automation, and integrated features like blinds or mosquito screens.

The Complainant submits it is, together with its Portuguese subsidiary, BBG, S.A, the owner of many HYLINE trademarks, including the following:

- European Union Trademark No. 012309423 HYLINE (figurative), registered on March 26, 2015, for goods and services in classes 6, 37, and 42 of the Nice Classification;
- Brazilian Trademark No. 927468182, HYLINE (word and figurative) registered on September 26, 2023, for goods in class 6

The Complainant is the holder of the domain name <hyline-bsi.com>, registered on March 22, 2018, and the domain name <hyline-bs.com> has been actively used by the Complainant in its official corporate email addresses.

The disputed domain name was registered on February 28, 2025, and is currently inactive.

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 confusingly similar to the trademark HYLINE; when comparing the disputed domain name <hyline-ds.com> with the Complainant's trademark, it becomes evident that the domain name incorporates the word HYLINE in its entirety, rendering the domain name at stake confusingly similar to the Complainant's trademark. The inclusion of the term "ds" does not alleviate confusion. Therefore, the disputed domain name <hyline-ds.com> misleadingly implies a connection with the Complainant.
- the Respondent has no rights or legitimate interests in the disputed domain name, because the Respondent incorporates the Complainant's trademarks in the disputed domain name without any license or authorization from the Complainant. Additionally, the disputed domain name does not resolve to an active website and there is hence no legitimate use, the Respondent is unable to demonstrate a right or legitimate interest in the Domain Name.
- the Respondent registered the disputed domain name and associated email addresses with the intent to impersonate the Complainant and its employees before the Complainant's clients, trying to convince them that there had been a change in banking details and that they should make payments to a new bank account (purportedly created by the Respondent for said purpose), thereby acting in clear bad faith. It is therefore

evident that the Respondent's intent in registering the disputed domain name was to impersonate the Complainant, create confusion with its HYLINE trademark with a view to attract the attention of its clients, disrupt its business, and obtain undue financial benefits from this unlawful activity.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy directs that the Complainant must establish each of the following:

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

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, a hyphen followed by the letters "ds" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

From the evidence available on record, it is also clear that the Respondent is not sponsored by or associated with the Complainant in any manner. Moreover, the Complainant has not granted the Respondent any permission, license, or authorization to use the Complainant's trademarks in any capacity, including within domain names.

The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services as contemplated under paragraph 4(c)(i) of the Policy, nor is the Respondent making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademarks under paragraph 4(c)(iii) of the Policy.

Furthermore, the Respondent does not appear to be commonly known by the disputed domain name and there is no evidence that might support such finding.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 summarizes that after first creating a strong likelihood of confusion by using the Complainant's trademark in the disputed domain name, the Respondent has attempted to impersonate the Complainant in order to divert benefits for its own gain. The Respondent created email addresses of Complainant's actual employees by using the disputed domain name <hyline.ds.com> which differs from the Complainant's domain name <hyline-bs.com> used in its corporate email addresses, merely by one letter, and tried to convince Complainant's clients to make payments to a new bank account opened at the same bank as the official account of the Complainant. Such behaviour must be considered with no doubt as bad faith registration and use of the disputed domain name. See [WIPO Overview 3.0](#), sections 3.1.4 and 3.4.

Panels have held that the use of a domain name for illegitimate activity, here claimed phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <hyline-ds.com> be transferred to the Complainant.

/Martin Svorčík/
Martin Svorčík
Sole Panelist
Date: September 5, 2025