

ADMINISTRATIVE PANEL DECISION

ADDINOL Lube Oil GmbH v. Vladimir Zozulia, Xado Ltd
Case No. D2025-3127

1. The Parties

The Complainant is ADDINOL Lube Oil GmbH, Germany, represented by Taylor Wessing Partnerschaftsgesellschaft mbB, Germany.

The Respondent is Vladimir Zozulia, Xado Ltd, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <addinol.com> is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 6, 2025. On August 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 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 (Xado, Xado) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 amended Complaint on August 7, 2025.

The Center verified that the Complaint together with the amended 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 August 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 1, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on September 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 Complainant is a German headquartered company specialized in the production of lubricants for the industry and the automotive sector.

The Complainant is the registered owner of two ADDINOL trade marks predating the registration of the disputed domain name, namely:

- German trade mark ADDINOL registered on December 4, 1996 under number 39639447; and
- International registration ADDINOL registered on June 4, 1998 under number 695723 (related to the above German trade mark).

The Complainant refers to a German trade mark registered in 1971 but it was cancelled on August 7, 2002.

The disputed domain name was registered on May 6, 2002. The disputed domain name points to a page stating that the website is down for maintenance.

The Respondent is a company specialized in the distribution of lubricants including the Complainant's products. The Respondent had a contractual and material commercial relationship with the Complainant for several years. The Respondent was the registered owner of an Indian ADDINOL trade mark (No. 1280767) for twenty years (it was applied for on April 26, 2004 and it expired on April 26, 2024). The Complainant claims that the ADDINOL trade mark of the Respondent ended as a result of cancellation proceedings but the only document on file does not corroborate the Complainant's claim as it is merely an email from the Indian IP Office explaining that the Respondent had not applied to renew its ADDINOL trade mark and that "Trade mark is likely to be removed due to non filing of Renewal request within prescribed time limit".

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 its ADDINOL trade mark.

The Complainant considers that the Respondent has no rights or legitimate interest in the disputed domain name. The Complainant contends that the Respondent has no right to use the disputed domain name and that although it has registered a national trade mark ADDINOL in India for exactly the same goods as those produced by the Complainant, namely "lubricants," this was a trade mark registration in bad faith.

The Complainant highlights that its ADDINOL trade mark significantly predates the registration of the disputed domain name and that it is with full knowledge of the Complainant's trade mark that the Respondent decided to register the disputed domain name. The Complainant considers that the disputed domain name is being passively held in bad faith and refers to other domain names held by the Respondent which it believes to have been registered and used in bad faith to the detriment of two third party trade mark owners.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel notes that the Center notified the Respondent of the proceedings by electronic means to all available email addresses, as well as by fax and postal means. The record suggests that the above-mentioned electronic and postal notifications were delivered.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

6.2 Substantive Considerations

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 trade mark 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 trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the ADDINOL trade mark of the Complainant 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.

According to the Complainant's own admission, the Complainant had a business relationship with the Respondent who acquired "from Addinol Eastland until the year 2009 more than 100 tons of the gear oil GX80W90". According to the Complainant's own admission, the Respondent had a registered trade mark for ADDINOL in India. The Respondent's ADDINOL trade mark was active for some twenty years and was a ground for refusal of a trade mark application in India by the Complainant (in 2017). The Complainant claims that the Respondent's trade mark registration was in bad faith. Whilst the Complainant does not substantiate such claim in any way, it is clear that any such assessment would be improper under the Policy since such issues are best left to adjudication: *Associated Bank Corp. v. Texas International Property Associates*, WIPO Case No. [D2007-0334](#).

The Complainant claims that "the Complainant filed a cancellation petition in India against the national trade mark 1280767 'Addinol' of the Respondent. As result, in the year 2025 the Indian trade mark 1280767 'Addinol' was deleted from Indian trademark register. We submit the Complainant's Indian counsel report concerning the cancellation of the Indian trademark 'Addinol' of the Respondent as Annex 7". However, what was produced as evidence is merely an email from the Indian IP Office explaining that the ADDINOL trade mark of the Respondent was likely not going to be renewed as the Respondent had not filed for a renewal in due course.

Even if the Respondent's ADDINOL trade mark has expired about a year ago, it is difficult for the Panel to ignore the rather fundamental fact that the Respondent has held a trade mark for some twenty years (hence an apparent right in the disputed domain name) whilst being the registrant of the disputed domain name whilst having a commercial and contractual relationship with the Complainant, well before notice to the Respondent of the dispute.

The circumstances at hand are sufficiently complex, with discrepancies and grey areas that the Panel finds that it is unable to reasonably consider that the Complainant has established a *prima facie* case that the respondent lacks rights or legitimate interests. In these circumstances, a national court, with the power to call and cross-examine witnesses and facilitate discovery, would better suit the disposition of this case given the limited evidence provided by the parties to answer competing questions of fact.

The Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

Given the Panel's findings under the second prong of the Policy, it is not necessary to consider the third element of the Policy.

In any event, while the present matter is not without doubt, on balance and on the basis of the Complaint and discrepancies therein, the Panel is of the view that the Complainant has failed to substantiate the Respondent's bad faith registration.

It is difficult for the Panel to ignore the rather fundamental fact that the Respondent has held potential competing trade mark rights for some twenty years whilst being the registrant of the disputed domain name whilst having a commercial and contractual relationship with the Complainant.

Given the complexity of the case and circumstances that have occurred during the 23 years of registration of the disputed domain name, the Panel is of the view that this is not the appropriate forum in which the dispute should be resolved. A national court, with the power to call and cross-examine witnesses and facilitate discovery, would better suit the disposition of this case given the limited evidence provided by the parties to answer competing questions of fact.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: September 22, 2025