

ADMINISTRATIVE PANEL DECISION

Thomas Friedl v. Blue Window Limited, Blue Window Limited
Case No. D2025-5246

1. The Parties

The Complainant is Thomas Friedl, Germany, represented by Rechtsanwälte Lintl, Renger Partnerschaft mbB, Germany.

The Respondent is Blue Window Limited, Blue Window Limited, Malta.

2. The Domain Name and Registrar

The disputed domain name <tommy-friedl.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 16, 2025. On December 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 17, 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, NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 18, 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 the same date.

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 December 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 12, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on January 16, 2026. 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 uncontested facts are as follows: The Complainant has been operating wing foiling, kite surfing, and wind surfing schools in Egypt, as well as offering surf tourism trips to other countries, for roughly 35 years under the TOMMY FRIEDL mark, which is also a contraction of the Complainant's personal name. Since 1989, the Complainant's surf schools have been part of the PRO CENTER independent surf schools association which was founded by the Complainant.

The Complainant does not advance any registered trademarks for his TOMMY FRIEDL mark, but claims common law rights based on his longstanding and extensive usage of the mark.

The disputed domain name was registered on January 29, 2025, and currently resolves to a website entitled "Tommy Friedl" followed by the following language: "Surf Abenteuer Entdecken - Erleben Sie die besten Surfspots und Techniken, inspiriert von Tommy Friedl." A machine translation from German to English produces the following translation: "Discover Surf Adventures - Experience the best surf spots and techniques, inspired by Tommy Friedl." The website ostensibly offers surfing related services and information.

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 was registered and has been used in bad faith to impersonate the Complainant in order to harvest the personal information of users who interact with the Respondent's website using the listed contact details. The Complainant claims to have been the owner of the disputed domain name and to have used it for roughly 20 years until it was inadvertently allowed to lapse due to the death of the disputed domain name's administrative contact in 2024.

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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. The addition of a hyphen between the components of the Complainant's mark within the disputed domain name does not prevent the finding of confusing similarity. See *VeriSign Inc. v. Bin g Glu / G Design*, WIPO Case No. [D2007-0421](#). Accordingly, the disputed domain name is confusingly similar 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.

For the reasons discussed in relation to bad faith below, it is likely that the Respondent's intention was to impersonate the Complainant. Panels have held that the use of a domain name for illegitimate activity such as impersonation, as in this case, 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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of the likelihood of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

The Panel has independently established,¹ using the Internet Archive, that the disputed domain name resolved to websites relating to the Complainant's surf schools in Egypt from 2002 until December 2024. As of June 3, 2025, the disputed domain name resolved to the current website described in the Factual Background section above. Publicly available Whois history records reflect the Complainant as the

¹ In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. [WIPO Overview 3.0](#), section 4.8.

registrant of the disputed domain name from 2002 until roughly 2018. From 2018 until October 2024, the registrant data in the Whois records was redacted (likely due to the entering into force of the European Union's General Data Protection Regulation (the "GDPR") – in May 2018), however, the records remained the same in all other respects, including reflecting a registrant resident in Germany and consistent registrar and name server records, pointing to the Complainant's continued ownership of the disputed domain name until at least October 2024. Thereafter, the Whois records changed to first list "This domain was caught by DropCatch.com" as the registrant, and subsequently the privacy service together with the nameservers currently employed by the Respondent. All of this aligns with the Complainant's claims that it was the longstanding owner of the disputed domain name, and that the Respondent acquired the disputed domain name via a drop-catching service when it was allowed to lapse circa 2024.

The Complainant's evidence establishes that his mark enjoyed goodwill and a reputation within at least the surf industry prior to registration of the disputed domain name. Illustrative of this is the fact that the results of Internet searches for the Complainant's TOMMY FRIEDL mark overwhelmingly relate to the Complainant, as well there are several videos on YouTube dating as early as 2008 relating to the Complainant and its business under the mark. The mark is therefore strongly associated with the Complainant within the surf industry and the Respondent's use of the disputed domain name related to the same mark within the same industry points to bad faith targeting.

The Impressum page of the Respondent's current website appears to be a wholesale reproduction of the Impressum page previously used by the Complainant when he was still the owner of the disputed domain name. This page includes contact information, and the PRO CENTER mark, associated with the Complainant, which clearly points to impersonation. Panels have held that the use of a domain name for illegitimate activity such as impersonation, as in this case, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel has independently established that the Respondent has previously been found to have acted in contravention of a domain name dispute policy in a case also involving impersonation of a German complainant. See *German Centre for Industry and Trade GmbH Beteiligungsgesellschaft c. WhoisGuard, Quijano & Associates / Laurent North, Blue Window Limited*, WIPO Case No. [DMX2020-0029](#). This suggests a recurring pattern of bad faith conduct on the Respondent's part.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceedings where an explanation is certainly called for. [WIPO Overview 3.0](#) at section 4.3.

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 <tommy-friedl.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: January 30, 2026