

## **ADMINISTRATIVE PANEL DECISION**

UNICAL AG S.p.A v. Domain Admin

Case No. D2025-5365

### **1. The Parties**

Complainant is UNICAL AG S.p.A, Italy, represented by AGAZZANI & ASSOCIATI S.R.L., Italy.

Respondent is Domain Admin, United States of America (“United States”).

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

The disputed domain name <unicalbioenergy.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 December 22, 2025. On December 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on December 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 29, 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 Respondent of the Complaint, and the proceedings commenced on January 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 29, 2026.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on February 2, 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**

Complainant is a company organized under the laws of Italy that is active in the heating, air-conditioning and refrigerating industry.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its company name and brand UNICAL, including, but not limited to, the following:

- word mark UNICAL, International Trademark Registration, World Intellectual Property Organization, registration number: 633400, registration date: April 6, 1995, status: active; and
- word mark UNICAL BIOENERGY, European Union Intellectual Property Office, registration number: 018959696, filing date: December 5, 2023, registration date: April 12, 2024, status: active.

Moreover, Complainant has demonstrated to own, inter alia, the domain names <unicalag.it> and <bioenergyunical.com> which resolve to Complainant's official websites at "www.unicalag.it" and "www.bioenergyunical.com", respectively, used to promote Complainant's products and related services in the heating, air-conditioning and refrigerating industry.

Respondent, according to the Registrar verification, is located in the United States. The disputed domain name was registered on December 5, 2023; it resolves to a website operated by GoDaddy where it is offered for online sale at USD 2,988.

Complainant requests that the disputed domain name be transferred to Complainant.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that it has been operating since 1972 and that it launched between 2013 and 2014 a new line of biomass stoves and boilers branded "Unical Bioenergy". Meanwhile, Complainant has a strong presence worldwide with branches in France, Germany, Poland and China, and more than 50 international partnerships.

Complainant submits that the disputed domain name is identical to Complainant's UNICAL BIOENERGY trademark and confusingly similar to Complainant's UNICAL trademark. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Complainant has neither licensed nor otherwise permitted Respondent to use its UNICAL and UNICAL BIOENERGY trademarks or to apply for any domain name registrations incorporating them, and (2) there is no link between the disputed domain name and Respondent apparent. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Respondent registered the disputed domain name on the same day that Complainant filed its European Union Trademark UNICAL BIOENERGY, (2) the disputed domain name has never been used in connection with a website or any other online activity, but has been offered for sale to the public on the Internet for a sum of USD 2,988 which is plainly far greater than the mere cost of registration and renewal thereof, and (3) it appears that Respondent has engaged in a pattern of domain name registrations on the same date of other complainants' trademark applications.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that 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.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

### A. Identical or Confusingly Similar

First, 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 Complainant's UNICAL and UNICAL BIOENERGY trademarks and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of its UNICAL and UNICAL BIOENERGY trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of those trademarks is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to Complainant's UNICAL BIONERGY trademark and at least confusingly similar to Complainant's UNICAL trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel, therefore, finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent has not been authorized to use Complainant's UNICAL and UNICAL BIOENERGY trademarks, either as a domain name or in any other way. Also, there is no evidence to consider that Respondent's name would somehow correspond with the disputed domain name and Respondent does not appear to have

any trademark rights associated with the terms “unical” and/or “bioenergy” on its own. Finally, Respondent so far obviously has neither used the disputed domain name for a bona fide offering of goods or services nor for a legitimate noncommercial or fair purpose, but rather to offer it on the Internet for sale. UDRP panels have recognized that holding a domain name for resale can be bona fide and is not per se illegitimate under the UDRP (see [WIPO Overview 3.0](#), section 2.1) but have also found that the mere registration of such a domain name does not by itself automatically confer rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.10.1). Moreover, given that the disputed domain name fully incorporates Complainant’s undisputedly well-reputed UNICAL and UNICAL BIOENERGY trademarks, it carries, as such, a high risk of implied affiliation with Complainant and its trademarks which is why offering it for online sale cannot constitute fair use and, thus, cannot confer rights or legitimate interests therein. [WIPO Overview 3.0](#), section 2.5.1.

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

### **C. Registered and Used in Bad Faith**

Third, 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 case at hand, the Panel notes a number of circumstances indicating that the disputed domain name was registered by Respondent for the primary purpose of selling it to Complainant as the UNICAL and UNICAL BIOENERGY trademarks’ owner. These include e.g.: (1) the nature of the disputed domain name which wholly incorporates such trademarks without any other elements whatsoever, (2) the undisputed reputation which Complainant’s trademarks enjoy, and most importantly (3) the coincidence in time of the application of Complainant’s European Union Trademark UNICAL BIOENERGY and the registration of the disputed domain name on December 5, 2023. UDRP panels widely agree that those circumstances allow to conclude that Respondent has registered or acquired the disputed domain name primarily to sell it to Complainant for valuable consideration in excess of Respondent costs related to the disputed domain name (here USD 2,988) as set forth by paragraph 4(b)(i) of the Policy (see [WIPO Overview 3.0](#), section 3.1.1), which, in turn, is evidencing the registration and use of the disputed domain name in bad faith.

The Panel, therefore, finds that Complainant has established the third element of the Policy, too.

## **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, <unicalbioenergy.com>, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: February 4, 2026