

PANEL DECISION

Volkswagen Aktiengesellschaft (Volkswagen AG) v. Name Redacted Case No. DEU2025-0034

1. The Parties

The Complainant is Volkswagen Aktiengesellschaft (Volkswagen AG), Germany, represented by De Gaspari Osgnach s.r.l., Italy.

The Respondent is Name Redacted, Italy.¹

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <das-weltauto.eu> (the “Disputed Domain Name”) is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the Disputed Domain Name is Romarg Srl.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2025. On December 8, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the Disputed Domain Name. On December 8, 2025, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

¹ There has been email correspondence with a recipient of the Center’s notification of the Complaint at the physical address provided by the Registry. The company name and email address of this recipient, although it differs from the information provided by the Registry, are similar to the purported organisation in whose name the Disputed Domain Name was registered. The recipient claims it is not the registrant of the Disputed Domain Name. The Respondent also appears to have used the name of a Romanian politician as the registrant’s name. In light of the potential identity theft, the Panel has redacted the Respondent’s name and organisation name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registry regarding transfer of the Disputed Domain Name, which includes the full name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registry as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 18, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was January 7, 2026. On December 22, 2025, a third party sent an email communication to the Center. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 9, 2026.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on January 20, 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant, Volkswagen Aktiengesellschaft, is a German multinational conglomerate automotive manufacturer.

The Complainant is the owner of numerous registered trademarks corresponding to or including DAS WELTAUTO, including the following:

- **Das WeltAuto.**, European Union trade mark ("EUTM") No. 010322428 registered on March 16, 2012, covering services in classes 36, 39, 41, and 42;
- **Das WeltAuto.**, EUTM No. 008914038 registered on June 3, 2011, covering goods and services in class 12, 35, and 37;
- **DAS WELTAUTO**, EUTM No. 008914178 registered on June 20, 2011, covering goods and services in classes 12, 35, and 27.

The Disputed Domain Name was registered on July 15, 2025. The Disputed Domain Name redirects Internet users to a website at "www.dasweltauto.at/aktionen", which, the Complainant submits, is the website of a legitimate Volkswagen dealer in Austria.

According to a screenshot integrated in the Complaint, the Disputed Domain Name has been used to refer to a website displaying advertisements for the alleged sale of used cars.

On November 13, 2025, the Complainant sent a cease-and-desist letter to the Respondent.

The Complainant has also produced a complaint from an individual with the Italian police, dated December 2, 2025, in which the individual claims being defrauded via the email address "[...].@das-weltauto.eu" linked to the Disputed Domain Name and an advertisement on a used vehicle selling platform.

On December 5, 2025, the Complainant contacted the registrar with a request to delete or suspend the Disputed Domain Name.

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 almost identical to the Complainant's trademarks, merely adding a hyphen, and is therefore confusingly similar to that mark.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as, in summary:

- the Respondent has no association with the Complainant and has never been authorized to register the Disputed Domain Name;
- the Respondent is not an agent, licensee or authorized reseller of the Complainant;
- the Respondent is not commonly known by the Disputed Domain Name;
- the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without the intent for a commercial gain, as the Respondent is using it to confuse consumers into falsely believing that the website and email addresses linked to the Disputed Domain Name are affiliated with, connected to, or sponsored by the Complainant.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- the Respondent was clearly aware of the Complainant's prior rights and is targeting the Complainant, its trademarks, and business;
- the Respondent is using the Disputed Domain Name to confuse consumers into falsely believing that it is affiliated with, connected to, or sponsored by the Complainant.

B. Respondent

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

6. Discussion and Findings

For the Complainant to succeed in its Complaint, it is required to demonstrate the following under Paragraph B(11)(d)(1) of the ADR Rules:

1. The Disputed Domain Name is identical or confusingly similar to a name in respect of which a right is recognized or established by national law of a Member State and/or European Union law; and either
2. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; or
3. The Disputed Domain Name has been registered or is being used in bad faith.

The Panel will deal with each of these requirements in turn.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Complainant shows to be the owner of figurative and word EUTMs, comprising of or containing the sign DAS WELTAUTO (the "Mark"). The Panel finds the Complainant has shown rights established by European Union law in respect of a name for the purposes of the ADR Rules.

The standing (or threshold) test for confusing similarity typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.²

² The Panel follows prior decisions under the UDRP and, given the similarities between the ADR Rules and UDRP, finds it appropriate to refer to UDRP jurisprudence, including reference to the [WIPO Overview 3.0](#).

The Disputed Domain Name comprises the Mark in full, adding a hyphen. The Panel finds that this small change does not prevent the Disputed Domain Name from being confusingly similar to the Mark. [WIPO Overview 3.0](#), section 1.9.

It is well established that Top-Level-Domains (“TLDs”), here “.eu”, may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.0](#), section 1.11.

Based on the available record, the Panel finds the first element of the ADR Rules has been established.

B. Rights or Legitimate Interests

In accordance with paragraph B(11)(d)(1)(ii) of the ADR Rules, the Complainant bears the burden of proof to establish that the Respondent has neither rights nor legitimate interests in respect of the Disputed Domain Name.

Although the overall burden of proof 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 ADR Rules or otherwise.

The Panel observes that the Respondent has not apparently been commonly known by the Disputed Domain Name. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry. In this case, the Panel finds that the Disputed Domain Name can be considered as almost identical or confusingly similar to the Mark as it incorporates the Mark in its entirety except for the addition of a hyphen. In the circumstances of this case, as will be further explained below, the Panel finds that this subtle addition is intended to impersonate the Complainant, and there is a risk that Internet users will not notice the difference between the Disputed Domain Name and the Mark. See *Banque et Caisse d’Epargne de l’Etat, Luxembourg, v. Domain Admin, Whoisprotection.cc / hans larsson*, WIPO Case No. [D2022-1505](#).

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, panels also assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

According to undisputed evidence submitted by the Complainant, an email address associated with the Disputed Domain Name has been used to defraud Internet users.

The Panel finds that the above elements constitute clear indications of unlawful use of the Disputed Domain Name. Previous panels have expressly held that the use of a domain name for illegal activities (such as phishing, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

The Respondent had the opportunity to demonstrate any rights or legitimate interests but failed to do so. In the absence of any response from the Respondent, the prima facie evidence submitted by the Complainant remains unrebutted.

Accordingly, the Panel concludes that it has been sufficiently established that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

C. Registered or Used in Bad Faith

In view of the Panel's findings regarding the two previous elements, it is not necessary to analyse the final element set out in paragraph B(11)(d)(1)(iii) of the ADR Rules. However, the Panel wishes to add the following.

Paragraph B11(f) of the ADR Rules contains a non-exhaustive list of circumstances that may demonstrate bad faith. This list includes the following circumstance: the Disputed Domain Name was intentionally used to attract Internet users, for commercial gain to the Respondent's website or other online location, by creating a likelihood of confusion with a name in respect of which a right is recognised or established by national and/or European Union law, or it is a name of a public body, with such likelihood arising as to the source, sponsorship, affiliation or endorsement of the website or location or of a product or service on the website or location of the Respondent.

According to the Panel, the registration and use of the Disputed Domain Name is clearly intended to take advantage of the confusion created with the Complainant and the Mark. This is evident from the Disputed Domain Name itself and from the use of the email address associated with the Disputed Domain Name. It appears that emails were sent with an apparent purpose to defraud Internet users. Since the use of a domain name for unlawful activities, such as identity theft or deception, can never confer rights or legitimate interests on a respondent, such behaviour is clearly regarded as evidence of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

As the Respondent did not reply to the Complaint, it has made no attempt to rebut the above. The Panel may therefore draw the conclusions it considers appropriate.

In light of the foregoing, the Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith and that the Complainant meets the requirements of paragraph B(11) of the ADR Rules.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the Disputed Domain Name, <das-weltauto.eu> be transferred to the Complainant, who satisfies the general eligibility criteria for registration set out in Article 3 of Regulation (EU) 2019/517, being an undertaking having its registered office, central administration and principal place of business in Germany.³

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: February 3, 2026

³ The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.