

ADMINISTRATIVE PANEL DECISION

Continental Reifen Deutschland GmbH v. IBC LP1
Case No. DNL2025-0005

1. The Parties

The Complainant is Continental Reifen Deutschland GmbH, Germany, represented by Göhmann Rechtsanwälte Abogados Advokat Steuerberater Partnerschaft, Germany.

The registrant of the disputed domain name is IBC LP1, Sweden, (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <continentaltiresnetherlands.nl> is registered with SIDN through Namecheap, Inc. (the “Disputed Domain Name”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2025. On January 27, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On January 28, 2025, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 28, 2025, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on January 31, 2025.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 4, 2025. In accordance with the Regulations, article 7.1, the due date for Response was February 24, 2025. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on February 25, 2025.

The Center appointed Rogier de Vrey as the panelist in this matter on March 4, 2025. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant is part of the Continental-Group, which was founded in 1871 and offers, amongst others, solutions for vehicles, machines, traffic and transportation. The Complainant is a leading tyre manufacturer.

The Complainant is the owner of multiple registered international and European Union trademarks which consist of or include the sign "Continental". The trademark registrations include, but are not limited to, the following earlier rights:

- International trademark registration designating inter alia the Benelux with number 178082 for CONTINENTAL, registered July 2, 1954;
- International trademark registration designating inter alia the European Union with number 876054 for CONTINENTAL, registered July 18, 2005;
- European Union trademark registration with number 017555731 for CONTINENTAL, registered May 22, 2020; and
- several other CONTINENTAL trademarks.

The Complainant's trademark registrations predate the registration of the Disputed Domain Name as the Disputed Domain Name was registered on June 25, 2024. At the time of filing the Complaint and rendering this decision, the Disputed Domain Name resolves to a website copying the Complainant's website at the domain name <continental-tires.com> by copying various visual elements of the Complainant's website, by prominently displaying the Complainant's CONTINENTAL trademark at the top of each website page, and by using the contact details of one of the Complainant's affiliated companies for the location Barneveld in the Netherlands.

The Complainant has not licensed or otherwise permitted the Respondent to use its trademark.

On December 17, 2024, the Complainant sent a letter to Namecheap, Inc., through which the Disputed Domain Name <continentaltiresnetherlands.nl> is registered with SIDN, requesting contact information of the Respondent and requesting assistance in the transfer of the Disputed Domain Name to the Complainant. Namecheap, Inc. did not respond to this letter.

5. Parties' Contentions

A. Complainant

Firstly, the Complainant asserts that the Disputed Domain Name is confusingly similar to the Complainant's CONTINENTAL trademarks as the Disputed Domain Name includes: (i) the word element "continental", which is identical to the Complainant's trademarks; (ii) the word "tires", which refers to the Complainant's tyre products; and (iii) the word "Netherlands" which will be seen as an intention to refer to a country-specific version of the Complainant's website at the domain name <continental-tire.com>.

Secondly, the Complainant asserts that the Respondent has no rights or legitimate interests in the Disputed Domain Name, as the Respondent is not commonly known by the Disputed Domain Name. The CONTINENTAL trademark is exclusively associated with the Complainant's group, considering its historical and economic success. Additionally, the Complainant has not licensed or otherwise permitted the Respondent to use its trademark. The Respondent is also not making legitimate non-commercial or fair use of the Disputed Domain Name, as – according to the Complaint – the customers who ordered goods on the website did not receive any goods. This has not been further substantiated with documentation.

At last, the Complainant asserts that the Disputed Domain Name has been registered and is being used in bad faith, as the Disputed Domain Name is confusingly similar to the Complainant's well-known CONTINENTAL trademark, which – if you search for CONTINENTAL online – only refers to the Complainant. Consequently, the Respondent must have known the prior rights and wide use of CONTINENTAL by the Complainant when registering the Disputed Domain Name. By subsequently using the Disputed Domain Name and also copying the Complainant's website information, the Respondent attempted to attract Internet users to the Respondent's website for commercial gain, by creating a likelihood of confusion with the Complainant's rights.

B. Respondent

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

6. Discussion and Findings

Based on article 2.1 of the Regulations, a claim to transfer a domain name must meet three cumulative conditions:

- a. the domain name is identical or confusingly similar to a trademark, tradename or geographical indication protected under Dutch law in which the complainant has rights, or a personal name registered in the General Municipal Register (in Dutch: '*gemeentelijke basisadministratie*') of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the complainant undertakes public activities on a permanent basis; and
- b. the registrant has no rights to or legitimate interests in the domain name; and
- c. the domain name has been registered or is being used in bad faith.

As the Respondent has not filed a Response, the Panel shall rule based on the Complaint. In accordance with article 10.3 of the Regulations, the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or in fact.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established the requirement of article 2.1(a) of the Regulations.

To comply with Article 2.1(a) of the Regulations, two requirements must be met: (1) the Complainant has rights in e.g., a trademark; and (2) the Disputed Domain Name is identical or confusingly similar to such trademark.

As regards the first requirement, the Complainant has provided sufficient documentary evidence that it is the owner of several CONTINENTAL trademarks.

Concerning the second requirement, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademarks, as it contains the Complainant's registered trademark CONTINENTAL in its entirety, with two additions: (i) the word "tires", which refers to the Complainant's tyre products, and (ii) the geographic term "Netherlands". As already ruled by numerous panels, the mere addition of other words does not prevent a finding of confusing similarity (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#))¹, section 1.8).

¹ In view of the fact that the Regulations are in large part based on the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), are relevant to this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

The Panel finds the Disputed Domain Name therefore confusingly similar to the Complainant's trademarks.

B. Rights or Legitimate Interests

The Panel finds that the Complainant has established the requirement of Article 2.1 (b) of the Regulations that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Based on the evidence submitted by the Complainant, the Disputed Domain Name resolves to a developed website copying the Complainant's website at the domain name <continental-tires.com> and assuming to be the Dutch website of the Complainant's group. Consequently, the Disputed Domain Name's inherently misleading nature (see [WIPO Overview 3.0](#), section 2.5.1), is affirmed by the Disputed Domain Name website's layout.

The Panel notes that the Respondent is not making any bona fide use of the Disputed Domain Name in connection with an offering of goods or services, nor is there any indication in the record of this case that the Respondent is commonly known by the Disputed Domain Name. There is no commercial connection between the Complainant and the Respondent. The Respondent's use and registration of the Disputed Domain Name was not authorized by the Complainant, as the Complainant has not licensed or otherwise permitted the Respondent to use its trademark.

The Panel notes that the manner of use of the Disputed Domain Name is also relevant for determining rights and legitimate interests (see *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#)). Given that the Disputed Domain Name, which is confusingly similar to the Complainant's trademark, is used with an obvious intention of deriving advantage from user confusion, the manner of use of the Disputed Domain Name cannot lead to the determination that the Respondent has legitimate interests in respect of the Disputed Domain Name.

The Panel further notes that the composition of the Disputed Domain Name – which combines the Complainant's trademark with a term referencing the Complainant's area of business and a geographical term directly associated with one of Complainant's locations – also carries a risk of implied affiliation with the Complainant. This cannot constitute fair use under the circumstances of this proceeding (see [WIPO Overview 3.0](#), section 2.5.1).

Based on the foregoing, the Panel concludes that the Complainant has established a prima facie case that the Respondent does not have any rights to or legitimate interests in the Disputed Domain Name, while the Respondent has failed to come forward with any evidence to the contrary.

C. Registered or Used in Bad Faith

The Panel finds that the Complainant has established the requirement of article 2.1(c) of the Regulations.

Firstly, the Respondent has registered and used the Disputed Domain Name, which incorporates the Complainant's well-known trademark, with the addition of a term referencing the Complainant's area of business and a geographical term directly associated with one of Complainant's locations. The Disputed Domain Name directs to a Continental look-a-like website offering services identical to the Complainant's services, despite the Respondent not having any rights or legitimate interests in the Disputed Domain Name. Consequently, the Panel finds that the use of the Disputed Domain Name may divert the Complainant's potential customers to the website under the Disputed Domain Name by attracting Internet users who mistakenly believe that the Disputed Domain Name is affiliated to the Complainant, and who may further mistakenly believe that the services offered on this website are offered by a Dutch entity affiliated to the Complainant (see *Barclays Bank PLC v. PrivacyProtect.org / Sylvia Paras*, WIPO Case No. [D2011-2011](#)).

Secondly, the Panel notes that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity, particularly when the domain name consists of the mark plus a descriptive term, can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#),

section 3.1.4, and *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#)). The Complainant's group has a long history, reputation and is well known for its products and services. The Panel finds it therefore unconceivable that the Respondent could have registered the Disputed Domain Name without knowledge of the Complainant's trademark when the Respondent applied for the registration on June 25, 2024. This is confirmed by the fact that the website to which the Disputed Domain Name resolves is essentially a copy of the Complainant's website at the domain name <continental-tires.com> and displays the Complainant's trademarks.

Accordingly, the Panel concludes that the Disputed Domain Name has been registered and used by the Respondent in bad faith.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the Disputed Domain Name <continentaltiresnetherlands.nl> be transferred to the Complainant.

/Rogier de Vrey/

Rogier de Vrey

Panelist

Date: March 19, 2025