

ADMINISTRATIVE PANEL DECISION

RUBIS ENERGIE v. Kevin Yao

Case No. D2026-0747

1. The Parties

The Complainant is RUBIS ENERGIE, France, represented by IP Twins, France.

The Respondent is Kevin Yao, China.

2. The Domain Name and Registrar

The disputed domain name <vito-energies.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 February 23, 2026. On February 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2026, 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 (DT), Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 2026, 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 February 27, 2026.

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 March 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 23, 2026.

The Center appointed Yuri Chumak as the sole panelist in this matter on April 1, 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 Complainant is a French company active in the energy sector and a subsidiary of Rubis Group. Founded in 1990, Rubis Group is an independent French company listed on Euronext Paris and operates in over 40 countries. The Complainant distributes a range of energy products and services, including liquefied gas, fuels, and related products.

The Complainant and its affiliates distribute energy under the brands RUBIS ENERGIE, VITO, and VITOGAZ, among others. The Complainant relies in this proceeding on active trademark rights in VITO, including:

- International trademark registration VITO, registration number 937026, registered on May 4, 2007; and
- International trademark registration VITO (figurative), registration number 940200, registered on July 9, 2007.

The disputed domain name was registered on February 10, 2026.

According to the Complaint, the disputed domain name resolved to an error page.

The Complainant also states that it filed two Swiss trademark applications for VITO ENERGIES on the same date as the registration of the disputed domain name, and submits that this timing is unlikely to be coincidental, suggesting that the Respondent may have monitored published trademark filings and registered the disputed domain name accordingly.

The Respondent was initially identified through a privacy service. Following registrar verification, the Respondent was disclosed as Kevin Yao, China.

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 confusingly similar to its VITO trademark because it reproduces that mark in its entirety and merely adds the generic term "energies", separated by a hyphen.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent owns no corresponding trademark rights, is not commonly known by the disputed domain name, has not been authorized to use the Complainant's mark, and has used the disputed domain name only for an error page.

The Complainant also contends that the disputed domain name was registered and is being used in bad faith because the Respondent must have been aware of the Complainant's VITO mark, because "energies" relates directly to the Complainant's business, because the registration occurred on the same date as the filing of the Complainant's Swiss trademark applications for VITO ENERGIES, and because the Respondent used a privacy service.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "energies", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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.

There is no evidence that the Respondent is commonly known by the disputed domain name. Nor is there any evidence that the Respondent has been authorized or licensed by the Complainant to use the Complainant's VITO trademark. The record further indicates that the disputed domain name resolved to an error page, which does not support a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Panel also notes that the composition of the disputed domain name, combining the Complainant's VITO mark with the term "energies", carries a risk of implied affiliation with the Complainant, especially given the Complainant's energy business. [WIPO Overview 3.1](#), section 2.5.1.

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.

In the present case, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name reproduces the Complainant's VITO mark in its entirety and combines it with the term "energies", which directly corresponds to the Complainant's sector of activity. This composition supports an inference that the Respondent had the Complainant and its mark in mind when registering the disputed domain name.

The Panel further notes the Complainant's un rebutted evidence that the disputed domain name was registered on the same date on which the Complainant filed two Swiss trademark applications for VITO ENERGIES. While those applications do not themselves form the basis of trademark rights asserted under the first element, in the circumstances of this case they reinforce the inference that the Respondent targeted the Complainant.

Panels have found that the non-use of a domain name (including an error page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the nature of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <vito-energies.com> be transferred to the Complainant.

/Yuri Chumak/

Yuri Chumak

Sole Panelist

Date: April 10, 2026