

## **ADMINISTRATIVE PANEL DECISION**

**KATEK SE v. Stanley Pace**  
**Case No. D2026-1093**

### **1. The Parties**

The Complainant is KATEK SE, Germany, represented by Wuesthoff & Wuesthoff Patentanwälte und Rechtsanwalt PartG mbB, Germany.

The Respondent is Stanley Pace, United States of America ("US"), represented by John Berryhill, Ph.d., Esq., US.

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

The disputed domain name <katek.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 13, 2026. On March 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 16, 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 (the Complainant initially provided the Registrar's information) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 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 amendment to the Complaint on March 19, 2026.

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 March 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2026. Per the Respondent's request, the automatic four calendar day extension was granted under paragraph 5(b) of the Rules, and the Response due date was accordingly extended to April 13, 2026. The Response was filed with the Center on April 13, 2026. On April 17, 2026, the Complainant sent an email requesting a deadline for further submissions in response to the Response.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on April 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 Rules, paragraph 7.

Further to the Panel's appointment, the Parties submitted several unsolicited supplemental filings, starting with the Complainant's submission dated April 22, 2026. These unsolicited supplement filings are as follows: the Complainant's supplement filings dated April 22, April 24, and May 1, 2026; and the Respondent's supplement filings dated April 23, April 30, and May 1, 2026.

#### **4. Factual Background**

The Complainant notes that it is part of a global company in the commercial Internet-of-Things sector, established in 1959. The Complainant also notes that it is a daughter company of Kontron AG.

In its Complaint, the Complainant relies on two trademark registrations for KATEK: the German trademark registration No. 302018027381 for KATEK, applied on November 16, 2018, and registered on March 6, 2019; and the US trademark registration No. 7431129 for KATEK, applied on February 13, 2023, and registered on July 2, 2024.

According to the Whois information, the disputed domain name was first registered on April 13, 1998. However, the Respondent asserts that it acquired the disputed domain name in May 2012. At the time of filing the Complaint, the disputed domain name appeared to resolve to a website which would trigger malware warnings and/or redirected users to websites that attempted to download malicious software. At the time of this Decision, it resolves to a landing page where it is noted that the disputed domain name may be for sale and displays a form to make an offer. The record includes screenshots related to the disputed domain name provided by the Complainant that display malware or security warnings. The record also includes several archived screenshots submitted by the Parties.

The Respondent, Stanley Pace, is a domain name investor.

#### **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. The Complainant's contentions regarding the three elements under the Policy are summarized below.

First, the Complainant submits that the disputed domain name is identical to its KATEK trademark.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In particular, the Complainant claims that the disputed domain name is used not only as a parked domain name but also for malicious purposes. The Complainant states that the disputed domain name resolves to a website that triggers malware warnings and/or redirects Internet users to websites that attempt to download malicious software or otherwise compromise users' devices. It also submits related screenshots and security reports in its Complaint.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant contends that by using a domain name identical to its trademark as a vehicle for distributing malware and for other fraudulent purposes, the Respondent is intentionally creating a likelihood of confusion with the KATEK trademark as to the source, sponsorship, affiliation, or endorsement of the website, to achieve its own illegitimate objectives. The Complainant further notes that, given the current use of the disputed domain name, its 1998 registration date does not prevent the Complainant from acting against the Respondent. The Complainant contends that while the disputed domain name was originally registered in 1998, the evidence indicates that the disputed domain name changed hands and that

any earlier legitimate use was discontinued. It submits that the relevant registration date for purposes of the Policy is the later acquisition date and present use targeting the KATEK trademark. The Complainant refers to a screen capture dated August 5, 2018, which shows that the disputed domain name has been offered for sale. It also refers to another screenshot from April 15, 2025, which shows a page showing "It is gone! So be gone 410". It argues that whoever bought the disputed domain name at some later date has been using the disputed domain name not in connection with KATEK-related services. Accordingly, it notes that any prior legitimate interest in the disputed domain name has been discontinued and is not reflected in the current malicious use.

In its supplemental filing dated April 22, 2026, the Complainant submits several arguments in reply to the Response, summarized as follows. First, while the Complainant acknowledges that the disputed domain name was originally registered in 1998 and re-registered via auction in 2012, the evidence shows that there has been a later transfer or change of control of the disputed domain name after the Complainant's German trademark was registered. In particular, the changes in content and configuration of the website indicate a significant shift in use and control at a time when the Complainant's KATEK trademarks already existed. Under the UDRP precedent, each transfer of a domain name constitutes a new registration for the purposes of the bad faith analysis. The Complainant notes that the registrant information was not available to the Complainant on the date of filing the Complaint. The Complainant objects to the Respondent's argument based on "Katek" and "Kate k" as a personal name and notes that the Respondent has not demonstrated any bona fide use connected to a genuine descriptive or personal-name meaning. Regarding the malware issue, the Complainant acknowledges that the malware appears to have been removed following the filing of the Complaint, but this does not retroactively cure the bad faith use that existed at the time of filing the Complaint. The Complainant also presents its offer for an amicable settlement of the dispute and requests a suspension of the proceedings of 30 days.

In its supplement filing dated April 24, 2026, the Complainant, inter alia, notes that it previously made an offer to buy the disputed domain name via a third-party platform. However, it did not receive any reply despite several reminders. The Complainant also submits its reasons for the Panel to admit and consider its supplemental filings.

In its supplemental filing dated May 1, 2026, the Complainant notes that it did not fail to include its previous attempt to buy the disputed domain name in its original filing. Since the Complainant did not know the name of the registrant, it had no other choice but to start the current proceedings. The Complainant also notes that the Respondent also seems to fail to mention an email sent by Lorin Pace on March 25, 2026, while the present proceedings were pending, and requesting the Complainant to make a settlement offer. The Complainant further states that with these proceedings, it had the knowledge that its previous offer was directed to Lorin Pace and requests the Panel to check when the disputed domain name was transferred from Lorin Pace to Stanley Pace because it appears that a transfer took place after the registration of the Complainant's respective trademark, and none of the priority arguments prevail. The Complainant reiterates its willingness to settle this dispute by buying the disputed domain name.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. The Respondent's assertions are summarized below.

The Respondent submits that this dispute concerns a surname, which is also a commonly used personal name and initial combination. It notes that the disputed domain name has been registered to the Respondent, Stanley Pace, for many years since it was acquired in 2012. It further notes that the Complainant provides no evidence of rights or reputation at the time the Respondent registered the disputed domain name, and certainly not one of which the Respondent, a resident of Texas, US, would have been aware in 2012. The Respondent is a domain investor with a well-documented history of registering personal name domains in particular. The Respondent also presents its domain names portfolio composed of surnames, and first names and initials.

The Respondent submits that the disputed domain name has been used for more than a decade in association with advertising unrelated to the Complainant, and the recent discontinuation of the domain monetization service used by the Respondent apparently resulted in an erroneous configuration.

The Respondent states that the Complainant owns an identical trademark registration, which is more than a decade junior to the Respondent's acquisition of the disputed domain name; the Complainant provides no evidence of pre-existing common law rights; and, according to the German company register, the Complainant was formed in December 2018.

The Respondent states that, contrary to the Complainant's claims, it has been the publicly-identified registrant of the disputed domain name since at least 2012, long prior to the recent implementation of GDPR rules under the ICANN Temporary Specification for gTLD Registration Data, under which registrars redact personal data by default. The disputed domain name was obtained at an auction in May 2012, and the Respondent is shown, as of the record date of May 23, 2012, to be the publicly-identified registrant. The Respondent further submits that it is a well-established domain investor who has prevailed in multiple proceedings involving personal names and surnames.

The Respondent also submits archived screenshots of the disputed domain name from 2008 to 2021. It notes that the disputed domain name was principally used for pay-per-click ("PPC") advertising, which is in English and bears no relation to the sale of industrial electronics supplies in Germany. The Respondent further declares that it has been unable to duplicate the behavior shown in the Complaint, does not dispute that the Complainant's browser plug-in on a recent occasion determined malicious content, and provides some possible explanations for such malware activity reports. It may be that perhaps the third party virus software detects the inquiry form as a phishing attempt or the disputed domain name had been directed by the previous monetization service to questionable content. The Respondent notes that it is unaware of any malicious content, but does not discount the possibility that, in the final days of its previous monetization service provider, there may have been unscrupulous traffic buyers.

The Respondent submits that the Complainant does not show that it possessed any relevant trademark rights at the time the disputed domain name was registered. Trade in non-exclusive and non-distinctive personal names and surnames is not per se a bad faith activity under the Policy. The Respondent contends that the evidence does not show the Respondent to have registered and used the disputed domain name in bad faith.

In its supplemental filing dated April 23, 2026, the Respondent notes that it does not agree to any suspension and rejects the Complainant's settlement offer. The Respondent, inter alia, states that the Respondent, Stanley Pace, is shown as the registrant of the disputed domain name as of May 2012, and he is still the registrant as confirmed by the Registrar. Accordingly, there has been no post-trademark transfer of the disputed domain name. The Respondent declares that it used different monetization and hosting arrangements since acquiring the disputed domain name, but such use does not negate the direct evidence that the registrant is the same person since 2012.

In its supplemental filing dated April 30, 2026, the Respondent reiterates that the Complainant failed to address the Respondent's obviously senior registration of the disputed domain name in 2012. The Respondent also notes that the Complainant admitted it knew the disputed domain name was posted for sale prior to this dispute, it engaged in an attempt to buy it, but did not disclose these facts in the Complaint. The Respondent argues that this is a classic "Plan B" scenario.

In its supplemental filing dated May 1, 2026, the Respondent submits that the Respondent's full name is Stanley Lorin Pace, that he obtained the disputed domain name in 2012, and that he remains the registrant thereof. The Respondent further submits that the Complainant's constant and frivolous submissions have reached the point of being abusive.

## **6. Discussion and Findings**

### **6.1. Procedural Issue: the Admissibility of the Parties' Supplemental Filings**

As noted above, the Center received the Complainant's unsolicited supplemental filing dated April 22, 2026. After that submission, the Center received a series of communications from both sides to further reply to one another. The Panel must remind that unsolicited supplemental filings are generally discouraged in the framework of UDRP proceedings, unless specifically requested by the panel, and pursuant to paragraph 10(d) of the Rules, the Panel has discretionary authority to determine "the admissibility, relevance, materiality and weight of the evidence" submitted by the Parties. In the present case, the Panel notes that the Response includes several pieces of information, such as information on the Respondent's business practices, the disputed domain name's acquisition date by the Respondent, and the Respondent's explanations related to the malware activity reports submitted by the Complainant. These aspects would not have been readily known to the Complainant when submitting the Complaint. In addition, the Complainant's first supplemental filing included a settlement offer.

The Panel is conscious that these additional submissions, having been initiated by the Complainant, created a burden for both Parties to submit further submissions. However, although numerous, these communications were brief, and their review did not cause a significant delay for the Panel. Furthermore, these submissions presented certain factual elements that were not previously available in the record, and the Panel takes into account that both Parties have availed themselves of the opportunity to respond to different claims set forth in these supplemental filings. Under these circumstances, the Panel has exceptionally taken all these submissions into account as part of the record. However, the Panel notes that their acceptance has not altered its decision on the merits.

### **6.2. Substantive Issues**

#### **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 entirety of the mark is reproduced 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.

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

#### **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements of the Policy is present to succeed in its Complaint. A failure to establish one of the conjunctive elements of the Policy will result in the failure of the Complaint in its entirety. Considering the Panel's determinations under the third element below, the Panel does not see it necessary to address the question of the Respondent's rights or legitimate interests in the disputed domain name.

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

The Panel, first, notes that, to succeed under the third element, the Complainant must establish both the bad faith registration and the bad faith use of the disputed domain name. In addition, under the UDRP, the applicable standard of proof, which is also adopted by the Panel, is the "balance of probabilities" or "preponderance of the evidence", which is generally accepted as the case where a party demonstrates to a panel's satisfaction that it is more likely than not that a claimed fact is true. (See [WIPO Overview 3.1](#), section 4.2.)

As stated in [WIPO Overview 3.1](#), section 3.8.1, subject to the scenarios described in section 3.8.2, “where a respondent registers a domain name before the complainant’s trademark rights accrue, panels will not normally find bad faith on the part of the respondent.” The record shows that the Respondent, Stanley Pace, is a domain name investor who owns a significant domain name portfolio consisting of personal names. The disputed domain name was first registered on April 13, 1998. The Respondent asserts that it acquired the disputed domain name in May 2012. The Respondent also submitted a WhoIs record dated May 23, 2012, that clearly shows the Respondent as the registrant of the disputed domain name. The Panel also notes that the earliest KATEK trademark on record was applied for registration on November 16, 2018, and registered on March 6, 2019. Therefore, it is clear that the Respondent could not have targeted the Complainant’s trademark that did not yet exist when acquiring the disputed domain name in May 2012.

In its supplemental filing dated April 22, 2026, the Complainant acknowledges that the disputed domain name was originally registered in 1998 and re-registered via auction in 2012. However, the Complainant also argues that there has been a later transfer or change of control of the disputed domain name after the Complainant’s KATEK German trademark was registered. The Complainant claims that the changes in content and configuration of the website indicate a significant shift in use and control at a time when the Complainant’s trademarks already existed. In such circumstances, according to the Complainant, the relevant point in time for assessing bad faith registration is the later acquisition or transfer of the disputed domain name. In this regard, the Complainant particularly refers to a first screen capture dated August 5, 2018, showing that the disputed domain name has been offered for sale, and to a second screen capture dated April 15, 2025, that shows a page displaying “It is gone! So be gone 410”.

The Panel considers [WIPO Overview 3.1](#), section 3.9, which states that “Where the respondent provides satisfactory evidence of an unbroken chain of possession, panels typically would not treat merely ‘formal’ changes or updates to registrant contact information as a new registration. Also, irrespective of registrant representations undertaken further to UDRP paragraph 2, panels have found that the mere renewal of a domain name registration by the same registrant is insufficient to support a finding of registration in bad faith. On the other hand, the transfer of a domain name registration from a third party to the respondent is not a renewal and the date on which the current registrant acquired the domain name is the date a panel will consider in assessing bad faith.”

In the present case, the WhoIs record dated May 23, 2012, shows the Respondent, Stanley Pace, as the registrant of the disputed domain name. The same registrant’s name is also displayed on the Registrar verification transmitted to the Center on March 16, 2026. The Panel also considers different screen captures spanning several years submitted by the Parties and finds that they are insufficient to establish that a change in registrant has occurred. Moreover, the Panel finds that the Complainant has failed to provide other satisfactory evidence to demonstrate that a post-trademark transfer of the disputed domain name had occurred, which could be treated as a new registration under the Policy. For example, the Complainant failed to prove that, after 2012, the Respondent first transferred the disputed domain name to a third party, and on a later date a post-trademark transfer occurred, and the Respondent, Stanley Pace, re-acquired the disputed domain name. Lastly, in its supplemental filing dated May 1, 2026, the Complainant submitted an email communication from “Lorin Pace”. The Complainant requested that the Panel check when the disputed domain name was transferred from Lorin Pace to Stanley Pace and noted that it appears a domain name transfer took place after the registration of the Complainant’s respective trademarks. The Respondent replied that the Respondent’s full name is “Stanley Lorin Pace”. The Panel notes that “Lorin Pace” has the same email address that is displayed in the WhoIs record dated May 23, 2012, and in the Registrar verification dated March 16, 2026 for the Respondent, Stanley Pace.

Based on the above, the Panel considers that the evidence available in the case file supports the Respondent’s assertions that the Respondent, Stanley Pace, was the registrant of the disputed domain name in May 2012, and he is still the registrant. In other words, the Panel finds that there exists satisfactory evidence of an unbroken chain of possession of the disputed domain name by the Respondent since 2012.

Accordingly, the Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no trademark rights at the time that the Respondent registered the disputed domain name in May 2012. [WIPO Overview 3.1](#), section 3.8.1.

Since the Panel finds that the Complainant has failed to meet its burden of proving the bad faith registration condition, there is no need for the Panel to address the Parties' contentions regarding the bad faith use of the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

Although the Respondent did not expressly request a finding of Reverse Domain Name Hijacking ("RDNH"), the Panel proceeds with its analysis of whether there exists conduct constituting RDNH. Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at RDNH or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

[WIPO Overview 3.1](#), section 4.16 provides several reasons articulated by panels for finding RDNH: "(i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant's lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (...) such as registration of the disputed domain name well before the complainant acquired trademark rights, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois [RDAP] database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel, (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant's failure to disclose that a case is a UDRP refiling, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, (viii) basing a complaint on only the barest of allegations without any supporting evidence."

The Panel first considers its findings above regarding the Complainant's failure to demonstrate that a post-trademark transfer had occurred and to meet its burden of proving the bad faith registration of the disputed domain name. In this regard, the Panel particularly notes that following the receipt of the Registrar verification and the Response, it must be acknowledged that the Complainant possessed further information regarding the facts of the dispute, such as the date of the disputed domain name's acquisition by the Respondent and the Respondent's identity and business practices. With this available information and when the Complainant's submissions are considered as a whole, the Panel finds, on balance, that the Complainant should have known that it could not establish the bad faith registration condition. However, after obtaining this information, the Complainant submitted several supplemental filings including unsuccessful arguments regarding its post-trademark transfer allegation and settlement offers that could reasonably be considered low. Moreover, the Panel notes that two relevant facts have been inserted into the case file with the Complainant's supplemental filings. First, the Complainant stated that it made an unsuccessful offer to buy the disputed domain name at the beginning of 2026 (therefore, before the filing of the Complaint). The Complainant did not disclose the amount of its offer. Second, the email communication dated March 25, 2026, sent from the email address confirmed by the Registrar as the one for the Respondent, shows that the priority of the disputed domain name has been brought to the Complainant's attention. The same email communication includes a message from February 2025 via a third-party platform with an offer to buy the disputed domain name for USD 100, which appears to originate from the Complainant's parent company. In the Panel's view, these facts indicate that the Complaint has been filed after an unsuccessful attempt to acquire the disputed domain name from the Respondent without a plausible legal basis.

The Panel also notes that the Complainant is represented by external counsel and some panels have held that a represented complainant should be held to a higher standard. [WIPO Overview 3.1](#), section 4.16.

Considering the above, the Panel, on balance, finds that the Complainant's conduct warrants a finding of RDNH.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Mehmet Polat Kalafatođlu/*

**Mehmet Polat Kalafatođlu**

Sole Panelist

Date: May 7, 2026