ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Sport-Club Freiburg e.V. v. 林春水 (lin chun shui)
Case No. D2026-1701

1. The Parties

The Complainant is Sport-Club Freiburg e.V., Germany, represented by Dr. Ganteführer, Marquardt & Partner mbB, Germany.

The Respondent is 林春水 (lin chun shui), China.

2. The Domain Name and Registrar

The disputed domain name <scfreiburgmerchandise.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina ("www.net.cn") (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 22, 2026. On April 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 23, 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 (Unknown / Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 23, 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 in English on April 24, 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 in Chinese and English of the Complaint, and the proceedings commenced on April 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 20, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on 28 May 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 Sport-Club Freiburg e.V., a professional football club based in Freiburg, Germany. It operates men's and women's teams competing in top-tier domestic and European competitions, and engages in commercial activities including the sale of club merchandise.

The Complainant is the owner of two European Union trademark ("EUTM") registrations incorporating the element "scfreiburg", namely:

EUTM No. 018751321 scfreiburg

EUTM No. 018751323 scfreiburg

Both marks were filed on August 23, 2022 and registered on June 30, 2023.

The relevant goods and services of these trademarks cover, among others:

Class 25: Clothing, footwear, headgear; sportswear; jogging sets [clothing]; overalls; sports pants; tee shirts; sports jerseys. These trademarks are used in connection with, among other things, clothing, sportswear, and related retail services offered both in physical outlets and via an official online shop.

Class 35: Retailing, including via the internet and online or catalogue mail order services, in relation to Clothing, footwear, headgear; sportswear; jogging sets [clothing]; overalls; sports pants; tee-shirts; sports jerseys.

The Complainant has also operated the domain name <scfreiburg.com> since 1998 in connection with its official online presence.

The disputed domain name <scfreiburgmerchandise.com> was registered on October 20, 2025.

The registrant of the disputed domain name is an individual located in Fujian Province, China.

The disputed domain name resolves to a website purporting to offer for sale a range of products bearing the Complainant's marks, including clothing and fan merchandise. The website presented itself as an online shop associated with the Complainant and prominently displayed references to the Complainant's trademarks and branding.

The Complainant asserts that it has not licensed or otherwise authorized the Respondent to use its trademarks or to register 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 (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the domain name; and (iii) Respondent registered and is using the domain name in bad faith.

In particular, the Complainant contends that Respondent registered and is using the disputed domain name, to confuse and lure Internet Users to its website.

The Complainant submits that it has no affiliation with the Respondent, nor has it authorized the Respondent to register or use a domain name, which includes the Complainant's marks, and that the Respondent has no rights or legitimate interests in the registration of the disputed domain name. Rather, the Complainant contends that the Respondent has acted in bad faith in acquiring and setting up the disputed domain name, when the Respondent clearly knew of the Complainant's rights.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is composed of English terms, the website associated with the disputed domain name contains English-language content, and the Respondent has thereby demonstrated an ability to understand and operate in English. The Complainant further submits that requiring translation of the Complaint into Chinese would result in undue burden and delay.

The Respondent did not comment on the Complainant's request regarding the language of the proceeding and did not submit any Response.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, and considerations of time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the circumstances of the case, including the composition of the disputed domain name, the content of the associated website, the Respondent's apparent familiarity with English, and the absence of any objection from the Respondent, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 3.1, section 1.7.

In the present case, the disputed domain name is confusingly similar to the Complainant's trademarks. The Panel finds that the disputed domain name incorporates the Complainant's SCFREIBURG trademark in its entirety, with the addition of the descriptive term "merchandise", which does not prevent a finding of confusing similarity under the Policy.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and that the Complainant has satisfied the first element of paragraph 4(a) of the Policy.

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.

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.

The disputed domain name resolves to a website allegedly selling and offering products bearing the Complainant's mark.

In *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, the panel held that to be bona fide within the meaning of paragraph 4(c)(i) of the policy, the offering should meet the following requirements:

- The Respondent must actually be offering the goods or services at issue;

- The Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;

- The site must accurately and prominently disclose the registrant's relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site; and

- The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case the Respondent does not meet, at least, the third requirement set out above. The Complainant never consented to the Respondent's use of the mark and logo. The website under the disputed domain name does not accurately and prominently disclose its relationship with the Complainant.

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.

The Respondent used the Complainant's trademarks and branding to create a website that falsely purports to be an official online shop of the Complainant offering a variety of sporting apparel bearing the Complainant's mark.

Panels have also held that the use of a domain name for the purposes of passing off constitutes bad faith under the Policy. WIPO Overview 3.1, section 3.4.

The Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Having reviewed the record, 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 <scfreiburgmerchandise.com> be transferred to the Complainant.

/Douglas Clark/
Douglas Clark
Sole Panelist
Date: June 10, 2026