ADMINISTRATIVE PANEL DECISION

Otto Lehmann GmbH v. Domain Admin, Tucows.com Co
Case No. D2026-2642

1. The Parties

The Complainant is Otto Lehmann GmbH, Germany, represented by Kapellmann und Partner Rechtsanwälte mbB, Germany.

The Respondent is Domain Admin, Tucows.com Co, Canada, represented by John Berryhill, Ph.d., Esq., United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <lehmann.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 17, 2026. On June 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 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 June 22, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On June 23, 2026, the Complainant requested an extension of time to amend the Complaint. The Respondent objected to the Complainant's extension request on June 25, 2026. On June 26, 2026, the Complainant requested the suspension of the proceeding. The Center suspended the proceedings on June 26, 2026. The Respondent objected to the suspension of the proceeding on June 26 and 29, 2026. The proceeding was reinstituted on June 30, 2026. The Parties sent several email communications on the same day.

The Center verified that 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 July 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2026. The Response was filed with the Center on July 7, 2026. The Parties sent email communications to the Center on July 9, 2026.

The Center appointed Wilson Pinheiro Jabur, Andrea Jaeger-Lenz and Sally Abel as panelists in this matter on August 4, 2026. The Panel finds that it was properly constituted. Each member of 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.

In light of correspondence exchanged between Mr. M. F., an employee of the Complainant, and the Respondent, which was only partially disclosed with the Complaint, the Panel issued the Procedural Order No. 1 ("P.O. No. 1"), on August 12, 2026, inviting the Complainant to submit a declaration signed by Mr. M. F., as to his role, authority, instructions and purpose in contacting the Respondent, and the circumstances in which the correspondence was supplied to the Complainant and its representatives; also explaining why the correspondence submitted as Annex 5 to the Complaint did not include the preceding communications in their entirety; as well as inviting the Respondent to comment on the Complainant's submission.

On August 17, 2026, the Complainant submitted its reply to the P.O. No. 1 attaching a declaration signed by Mr. M. F., the complete and unredacted correspondence between Mr. F. and the Respondent from March 2025 as well as a brief factual statement. The Respondent submitted its reply to the P.O. No. 1 on August 18, 2026.

4. Factual Background

The Complainant, founded in 1969 and based in Germany, is a manufacturer of roofing products, drainage systems, surface finishing solutions and solar mounting systems, presently counting with commercial operations in several countries across Europe.

The Complainant has operated under the LEHMANN name since it was founded in 1969 and has continuously used the LEHMANN designation as a mark and trade name in connection with its goods and services ever since.

The Complainant is the owner of the European Union trade mark registration No. 019241733 for the LEHMANN figurative (word and device) mark, filed on September 4, 2025, registered on January 11, 2026, in classes 6, 19, 37, 40, and 42.

The disputed domain name was registered on December 10, 1996, and is presently used in connection with an active website offering <firstname@lehmann.com> email addresses.

The Respondent is an ICANN-accredited registrar and is a publicly traded corporation on the NASDAQ exchange with annual revenue of USD 329 million. In June 2006 the Respondent paid USD 18 million to purchase Mailbank.com Inc, a company that owned over 17,000 domain names for common surnames, such as <smith.net> and <brown.org>, generating income from ads on its websites (from domain parking) and also from customers who sign up for email accounts with their surname in the domain name.

On March 10, 2025, Mr. M. F., employee of the Complainant, contacted the Respondent indicating the Complainant's interest in acquiring the disputed domain name. The Respondent replied on the same day indicating that the "domain in question is a surname, and it is part of our personalized email service, RealNames. […]. We are not looking to sell any of RealNames' surname domain names".

On March 11, 2025, the Complainant's employee wrote back stating that "given our legitimate business interest, we would appreciate the opportunity to discuss a potential acquisition. If there is any possibility of purchasing the domain, we would be grateful for an offer or guidance on the next steps".

The Respondent replied on the same day stating that “Based on your message below, my understanding is that you still wish to discuss purchasing this surname domain name from us. Due to bad faith of previous parties, in order for us to even consider this you must first explicitly agree in writing to the following: You acknowledge that (a) this is a dialogue initiated by you, (b) these discussions will remain between us and you, and (c) both the fact of these discussions and the substance of them will not be used as evidence in any legal forum, including in any court or domain name arbitration.”. The Complainant’s employee replied on the same day agreeing to those conditions.

On March 12, 2025, the Respondent replied stating that “the surname domain names in our RealNames Service are not for sale. On the rare occasion when we have sold one of our surname domain names, the price has been well into the 6 figure range. Please understand that I am not saying that we would sell these particular surname domains for that amount, just that you should be prepared to invest at least that amount. If you’re amenable to entering a negotiation with us for that amount or higher, please make us an offer. Since this is one of our surname domain names and it has existing customers using it for email, *if* we did sell this domain to you, you would need to agree to a 120-day migration period, which would include you agreeing to keeping the domain registered at Tucows (for the first 120 days) and not changing the nameservers for the first 120 days. This would give us time to notify and migrate the existing customers off of the domain. Of course, shortly after purchase and during the migration period we would configure the domain to resolve to wherever you wanted it to resolve, so to the outside world it would appear to be ‘working’ correctly. For legal reasons, and to protect both us and you, this migration period is non-negotiable.”

On April 14, 2026, the Complainant’s counsel sent a letter to the Respondent in order to notify it of the intended UDRP complaint and to explore the possibility of reaching an amicable resolution, having received an automated response stating that the disputed domain name is part of a portfolio of domain names that was first registered in 1996 by Mailbank.com Inc., which later became known as NetIdentity, Inc. and which correspond either to personal names or personal interests.

Said automated response also indicated that in June 2006, Tucows, Inc. acquired NetIdentity, Inc. and its portfolio of domain names, further stating that:

“Please note that we have a long and successful history of defending our legitimate use of our 40,000+ shared domain names and the many clients who use these domains for their email and web address. This is the same portfolio of domain names that was reviewed and judged to be a non-infringing use of common surnames in Avery Dennison Corp. v. Sumpton, 189 F.3d 868 (9th Cir. 1999), and we continue to win UDRP claims that are filed against our shared domains.”

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 to have acquired well-established unregistered rights in the LEHMANN mark since 1969 pursuant to Section 5 of the German Trademark Act (*Markengesetz*), which protects a trade name of a company as a commercial designation (*Unternehmenskennzeichen*) from the date of first use in commerce, without the need for formal registration; as well as extensive common law trademark rights in the LEHMANN mark as a result of its long-standing, continuous, and exclusive use and promotion of its products under the LEHMANN mark in trade and commerce across numerous countries worldwide, including Germany, Austria, Denmark, Switzerland, Poland, United States, Czech Republic, Belgium, Netherlands (Kingdom of the), Italy, Hungary, France, and Australia, thus having the LEHMANN mark become a distinctive identifier through decades of sustained commercial activity, the relevant public and trade associating it with the Complainant’s goods and services.

Under the Complainant's view, the disputed domain name is confusingly similar to the Complainant's LEHMANN trademark.

As to the Respondent's lack of rights or legitimate interests, the Complainant argues that:

- the Respondent has no registered or unregistered trademark rights over "Lehmann";
- the Respondent has no license over LEHMANN;
- the Complainant is not affiliated in any way with the Respondent and has never authorized the Respondent to register or use the disputed domain name or the LEHMANN mark;
- the Respondent is not known by the "Lehmann" name or any variation thereof;
- the Respondent conducts no business under that the "Lehmann" name;
- in spite of "Lehmann" being a surname of German origin, this fact does not, in and of itself, confer rights or legitimate interests upon the Respondent where the Respondent has no personal or business connection to that name and is instead using the domain solely as a commercial vehicle to monetize the name through the sale of email addresses and the domain itself;
- UDRP panels have held that the registration of a surname domain by a party with no connection to that name, for the purpose of commercial exploitation, does not give rise to a legitimate interest (*Miranda Kerr v. orangesarecool.com.*, WIPO Case No. D2013-0553, *William B. Pitt a/k/a Brad Pitt v. Ikechukwu Udeokoro*, National Arbitration Forum Case No. FA1005001326361);
- the Respondent operates an industrialized, template-based service applied uniformly across a large portfolio of surname domains, without any individualized connection to the specific name in question, what does not constitute a bona fide use given that: (i) the Respondent has no independent connection to the "Lehmann" name; (ii) the Respondent does not use the domain to offer goods or services under that name in its own right; and (iii) the Respondent operates a generic, template-based email resale service that is replicated across thousands of surname domains without any individualized use of the LEHMANN mark;
- the industrialized model used by the Respondent does not reflect any genuine or bona fide use of the LEHMANN mark, rather constituting a pretext for holding the disputed domain name as a tradeable asset while generating incidental revenue, a practice that UDRP panels have already declined to recognize as conferring legitimate interests;
- prior to the proceedings, the Respondent indicated its willingness to sell the disputed domain name at a six-figure price in response to an inquiry made by an employee of the Complainant, what undermines any claim that the email service constitutes a bona fide use (Annex 5 to the Complaint);
- the Respondent appears to be in the business of registering and warehousing domain names on an industrial scale, including a substantial number of domain names incorporating well known trademarks and surnames of third parties, thus creating a strong presumption that the Respondent is doing so by blocking valuable domain names and monetizing them at a later stage, to the detriment of legitimate trademark and right holders; and
- the Respondent, acting in its capacity as a domain name registrar, while at the same time holding the domain names for its own commercial purposes is problematic given that a registrar is intended to function as a neutral intermediary in the domain name system, and the systematic reservation of domain names for proprietary commercial purposes constitutes a manifest abuse of that privileged position.

As to the Respondent's bad faith registration and use of the disputed domain name, the Complainant contends that the Respondent's knowledge of the Complainant's rights is evidenced by the fact that the Complainant has operated under the LEHMANN name for over five decades and has established a substantial commercial presence in international markets, making it implausible that the Respondent, a sophisticated participant in the domain name industry, would have been unaware of the Complainant's rights at the time of registration or at any point thereafter.

Furthermore, the Complainant, while acknowledging that "Lehmann" is a surname that may have some generic value, argues that a six-figure asking price far exceeds any value that could reasonably be attributed to the name as a mere surname, what thus indicates that if the Respondent's Lehmann-email service were genuinely directed at individuals bearing the surname "Lehmann", the pricing would reflect the modest commercial value of such a service, and not a sum that can only be justified by reference to the trademark value and commercial goodwill that the Complainant has built in the LEHMANN mark over decades, serving as compelling evidence that the Respondent is targeting the Complainant as trademark holder, rather than offering a legitimate surname-based service.

Lastly, the Complainant points out that the automated standard response received upon a separate and independent contact with the registrar prior to the proceedings constitutes a further and independent indicator of bad faith, confirming that the Respondent is fully aware that its business model of registering and holding domain names incorporating third-party trademarks and surnames routinely gives rise to legitimate complaints, by deploying a standardized intimidation apparatus designed to suppress the exercise of legitimate rights, deterring trademark holders from enforcing their rights, which is fundamentally incompatible with good faith.

In its reply to the P.O. No. 1, the Complainant attached a signed statement by Mr. M. F., IT administrator at the Complainant stating that he does not hold power of attorney or other authority to represent the Complainant, having contacted the Respondent after being “generally instructed by the head of the IT department, to inquire about the availability and options for acquiring” the disputed domain name, being his task to make contact and gather information on behalf of the IT department. Mr. F. further states not to have acted with the intention of authority to enter into a legally binding agreement on behalf of the Complainant. Lastly, Mr. F. states to have forwarded the entire email correspondence exchanged with the Respondent to the head of the Complainant’s IT department on March 26, 2025. The Complainant also submitted a statement indicating that the partial correspondence exchanged was attached as Exhibit 5 to the Complaint since that the email submitted, in its entirety and unaltered, substantiated the Respondent’s willingness to sell and was therefore deemed relevant to the question of bad faith under the UDRP criteria, thus rejecting the Respondent’s allegation of deliberate concealment or a breach of the duty of truthfulness. As to the certification that the Complaint was “complete” the Complainant states that “In German litigation practice, it is customary and recognized for parties in court or arbitration proceedings to selectively submit individual emails or documents relevant to the decision from a broader correspondence as evidence, without attaching the entire email thread. Under German procedural law, there is no obligation to submit the complete correspondence; rather, it is incumbent upon the parties to submit those documents they deem relevant to support their respective submissions of fact. The selection of individual documents relevant to the decision from a broader correspondence therefore does not constitute unethical conduct, but rather corresponds to the legal practice prevailing in Germany.”

B. Respondent

The Respondent argues that the disputed domain name relates to a common surname which has long been used by the Respondent and the Respondent’s predecessor-in-interest for a surname-based email service, the history of which is discussed in numerous prior UDRP decisions finding it to be a legitimate business such as *Peet Limited v. Domain Admin, Tucows.com Co*, WIPO Case No. D2025-1847; *Damstra Technology Pty Ltd (ACN 086 218 742) v. Domain Admin, Tucows.com Co*, WIPO Case No. D2021-0675; *Robert Bosch GmbH v. Domain Admin, Tucows.com Co*, WIPO Case No. D2017-2549; *Marden Group B.V. v. Tucows.com.co*, WIPO Case No. D2011-1061; *Lorenzo International Limited v. Tucows.com Co / Tucows Inc*, WIPO Case No. D2010-2254; *Grasso’s Koninklijke Machinefabrieken N.V., currently acting as Royal GEA Grasso Holding N.V. v. Tucows.com Co*, WIPO Case No. D2009-0115; *Raccords et Plastiques Nicoll v. Tucows.com Co.*, WIPO Case No. D2008-1322; *Markel Corporation. v. Tucows.com Co*, WIPO Case No. D2007-1750; *Ancien Restaurant Chartier v. Tucows.com Co*, WIPO Case No. D2008-0272; and *F. Hoffmann-La Roche AG v. Domain Admin Tucows.com Co.*, WIPO Case No. D2006-1488.

The Respondent further indicates that the decision rendered in *Pernod Ricard v. Tucows.com Co*, WIPO Case No. D2008-0789 was overturned by the Ontario Superior Court of Justice which found “that Tucows.com Co. did not register the domain names <ricard.com> and <ricard.net> in bad faith and the domain names <ricard.com> and <ricard.net> are not being used in bad faith by Tucows.com Co. or without legitimate purpose” (*Tucows.com and Pernod Ricard*, Case CV-08000362447-0000, Ontario Superior Court of Justice). The Respondent further states that “[l]ikewise, the Marker.com UDRP decision was overturned in the Ontario Superior Court of Justice in *Tucows.Com Co. V. Marker Volkl*, Case No. CV-1200468450-0000; and the Renner.com UDRP decision was overturned in *Tucows.Com Co. v. Lojas Renner S.A.*, 2011 ONCA 548. In fact, the Renner.com case is listed on WIPO's page of Select UDRP-related Court Cases, at "www.wipo.int/amc/en/domains/challenged/index.html".

The Respondent also points out that "Lehmann" is the 31st most common surname in Germany (Exhibit A to the Response), being one in every ninety persons in the state of Brandenburg named "Lehmann" (Exhibit B to the Response).

The Respondent further indicates that the Complainant is not the registrant of <lehmann.de>, which would be a natural candidate for claiming "diversion" by a <.com> name, which belongs to another company named "Lehmann", nor does the Complainant possess a German trademark registration for "LEHMANN" such as any of the eleven other companies which possess a registered German trademark for "LEHMANN" from as early as 1909. According to the Respondent, these numbers rebut the Complainant's claim that the Respondent's registration and use of the domain name is somehow premised on the Complainant's trademark in particular, as opposed to any of the many other entities that could make the identical and equally hollow argument.

In addition to that, the Respondent contends that legitimate rights or interests in a domain name are not limited to trade or service mark rights but include equitable interests such as expectation and reliance interests in the continued operation of a non-exclusive domain name since registration for purposes having nothing to do with the Complainant.

The Respondent further contends that the use of the disputed domain name prior to this dispute has absolutely nothing to do with Complainant's mark for roofing fixtures or, for that matter, what any of the other "LEHMANN" trademark owners, companies or persons so named might do commercially, rather lying the entire value of the Respondent's legitimate use of the domain name on the primary meaning and significance of "Lehmann" as a surname *per se* in which no company or individual on earth owns a monopoly.

The Respondent further submits that the Complainant, represented by counsel, ought to have bothered to look into whatever the Respondent might have meant by its reference to prior UDRP cases and Respondent's understandable fatigue in dealing with claims such as this one, to conclude that the disputed domain name is subject to what has repeatedly been found to be a legitimate purpose.

As to last criterion required to be proven by the Complainant - that the disputed domain name was registered and is being used in bad faith - "the bad faith criterion", the Respondent points out that it is an element of specific intent directed toward the Complainant, and arising from rights known by the Respondent to belong to the Complainant at the time the domain name was registered, and is directed at the question of "Why did the Respondent register the domain name?" and whether that motivation arose from a willful intent to exploit rights known to belong to another. Under the Respondent's view, the Complainant's claims are simply absurd given the profusion of entities using "Lehmann" trademarks and trade names.

Lastly, the Respondent requests that the Complainant should be found guilty of Reverse Domain Name Hijacking ("RDNH") given the partial submission of correspondence exchanged by the Complainant's employee, Mr. M. F. omitting the Complainant's agreement that it would not be used as evidence in any "domain name arbitration".

In its reply to P.O. No. 1, the Respondent asserts there to be two generally and commonly known principles in UDRP practice and substance which the Complainant failed to observe, the first of which being that pre-dispute communications between the parties are always highly material and relevant facts and that the UDRP certification requires the "information contained" in the Complaint to be "complete" and not that the evidence submitted merely be sufficient to prove the elements of the claim; and the second one, that simply responding to an inquiry to sell a business asset which one has legitimately acquired and used is not an instance of having acquired a domain name primarily for the purpose of selling it to the complainant.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

(i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

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 majority of the Panel finds the Complainant has established at least registered trademark rights for the purposes of the Policy. WIPO Overview 3.1, sections 1.2.1 and 1.3.

One Panelist, Sally M. Abel, disagrees. Panelist Abel considers this first element of the Policy to be a standing, or threshold test, only to the extent that the asserted trademark rights predate registration of the disputed domain name. According to Panelist Abel, to conclude otherwise violates the intent of the UDRP which clearly requires a complainant to prove each of the three elements of its claim.

Panelist Abel notes that the Complainant's registered trademark rights postdate Respondent's registration of the disputed domain name and that Complainant has not adduced sufficient evidence from which the Panel can conclude that Complainant's predating trade name use conferred unregistered trademark rights in the Complainant under German law prior to Respondent obtaining the disputed domain name. Further, according to Panelist Abel, the Complainant's contentions and evidence of use in other countries that might otherwise be recognized as common law use-based trademark rights, such as in the United States, is speculative at best. On this basis, Panelist Abel would not find that the first element of the Policy has been established.

Concluding that the entirety of the trademark LEHMANN is reproduced within the disputed domain name, the majority of the Panel determines that the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Thus, the Panel finds the first element of the Policy has been established, with Ms. Abel's dissent.

B. Rights or Legitimate Interests

Based on the available record and as further discussed below, the Panel finds that the Respondent acquired the disputed domain name because of its inherent surname character and has used it in the context of an email service for bearers of such surname. Such use clearly amounts to a bona fide and legitimate use of the disputed domain name. Contrary to what the Complainant appears to suggest, a domain name holder need not possess trademark rights in the corresponding term for a right or legitimate interest in the domain name to arise.

In fact, there have been at least 14 prior UDRP decisions, listed above, involving similar circumstances, namely surname-related domain names used in connection with surname-based email services, in which the Respondent prevailed and at least two Court decisions which have overturned prior UDRP decisions against the Respondent (*Tucows.com and Pernod Ricard*, Case CV-08000362447-0000, Ontario Superior Court of

Justice, reverting *Pernod Ricard v. Tucows.com Co*, WIPO Case No. D2008-0789 – Exhibit H to the Response; and *Tucows.Com Co. V. Marker Volkl*, Case No. CV-1200468450-0000, Ontario Superior Court of Justice reverting *Marker Völkl (International) GmbH v. Tucows.com Co.*, WIPO Case No. D2012-1461).[1]

Similarly, as reflected in WIPO Overview 3.1, section 2.10.1, panels have recognized that domain names composed of dictionary words or phrases may support a respondent's rights or legitimate interests where they are used, or demonstrably intended to be used, in connection with their dictionary meaning and not to trade off third-party trademark rights; here the Panel draws a connection between a dictionary term and a surname for such assessment. See also WIPO Overview 3.1, section 3.1.1.

Moreover, in the present case, there is no indication or evidence that the Respondent targeted the Complainant or sought to capitalize on the reputation of its mark.

Accordingly, the Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

The evidence in the case file as presented does not indicate that the Respondent's purpose in registering the disputed domain name was to profit from, exploit, or otherwise target the specific Complainant's trademark.

The Respondent has demonstrated that there are numerous potential legitimate users of the "Lehmann" name and mark. Although the Respondent does not claim "Lehmann" as its own name or trademark, it has submitted evidence of owning a significant portfolio of domain names consisting of common surnames, used in connection with an email service offered for bearers of such surnames.

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

D. Reverse Domain Name Hijacking

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 Reverse Domain Name Hijacking 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.

The Panel concludes that the Complainant, represented by counsel, ought to have known that it could not have succeeded under the Policy, there being no targeting of the Complainant and a well-established legitimate use of the disputed domain name.

In addition to that, the Complainant's assertion that "the industrialized model used by the Respondent does not reflect any genuine or bona fide use of the LEHMANN mark, rather constituting a pretext for holding the disputed domain name as a tradeable asset while generating incidental revenue, a practice that UDRP panels have already declined to recognize as conferring legitimate interests" is not supported by the

[1] The Panel notes that the Respondent's statement that "(…) the Renner.com UDRP decision was overturned in *Tucows.Com Co. v. Lojas Renner S.A.*, 2011 ONCA 548" is, at the very least, inaccurate given that the Panel in *Lojas Renner S.A. v. Tucows.Com Co.*, WIPO Case No. D2009-0637, did not render a decision on the merits of the case; rather, the proceeding was terminated (identified as "Disposition" on the list of challenged UDRP decisions available at "www.wipo.int/en/web/amc/domain-name-disputes/challenged/index"). Furthermore, while the Respondent ultimately prevailed on jurisdiction in *Tucows.Com Co. v. Lojas Renner S.A.*, 2011 ONCA 548, there appears to be no reported decision adjudicating the substantive dispute. The publicly available materials reviewed by the Panel indicate that, after the Supreme Court of Canada denied Lojas Renner leave to appeal in May 2012, the Ontario proceedings do not appear to have resulted in a reported judgment on merits, having the <renner.com> domain name subsequently been transferred from the Respondent to Lojas Renner, but the available record does not disclose the terms or legal mechanism by which that transfer took place.

precedents in which it replies. A review of the decisions cited by the Complainant shows that they are clearly distinguishable from the circumstances of the present case, as they involved domain names used in connection with websites seeking to attract Internet traffic by creating an undue association with well-known individuals or celebrities:

- *Miranda Kerr v. orangesarecool.com*, WIPO Case No. D2013-0553, which involved a purported "fan website" containing pay-per-click ("PPC") links. The panel observed: "The use of the Complainant's trade mark either as or as the dominant part of the Domain Names is intended to capture Internet traffic from Internet users who are looking for information, photographs and film clips about the Complainant as well as about the Complainant's products. The Domain Names and the content of the Websites are calculated to confuse Internet users that the Respondent is an authorised franchisee, licensee or somehow connected with the Complainant when this is not the case. This shows a clear intention on the part of the Respondent to attract for commercial gain by confusing and misleading Internet users into believing that the Respondent's Websites and the products sold on them were authorised or endorsed by the Complainant."

- *William B. Pitt a/k/a Brad Pitt v. Ikechukwu Udeokoro*, National Arbitration Forum Case No. FA1005001326361, which likewise concerned a domain name specifically corresponding to the name of a celebrity. In that case, the Panel concluded that the "Respondent's <bradpittfoundation.org> domain name resolves to a search engine website linking to numerous websites of charitable organizations and foundations unrelated to Complainant. Complainant alleges that the links on Respondent's resolving website are pay-per-click links that profit Respondent when clicked…. The Panel finds that Respondent's activities reveal his intention to mislead and confuse Internet users about the sponsorship of the resolving website in order to attract increased traffic to Respondent's site for commercial gain."

Moreover, another serious concern arises from the Complainant's omission of material portions of the email correspondence exchanged between the Parties prior to the commencement of this proceeding. Under this Panel's view, the selective omission of correspondence plainly material to the assessment of the Respondent's intent constitutes a deliberate attempt to present the Panel with an incomplete and misleading account of the factual record.

This is particularly troubling given the certification required under paragraph 3(b)(xiii) of the Rules that the information contained in the Complaint is, to the best of the Complainant's knowledge, "complete and accurate". UDRP panels have previously emphasized the significance of this certification, particularly where a complainant is represented by counsel (*Voys B.V., Voys United B.V. v. Thomas Zou*, WIPO Case No. D2017-2136).

The Panel further notices that, if the Complainant's assertion is correct, such conduct may also raise concerns under the professional and procedural standards applicable to German counsel; for present purposes, the selective omission of material correspondence is relevant to the Panel's assessment under the Rules, including the certification required by paragraph 3(b)(xiii), and to the question of Reverse Domain Name Hijacking.

The Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Wilson Pinheiro Jabur/
Wilson Pinheiro Jabur
Presiding Panelist

/Andrea Jaeger-Lenz/
Andrea Jaeger-Lenz
Panelist

/Sally Abel/
Sally Abel
Panelist – dissenting in part
Date: August 31, 2026