

ADMINISTRATIVE PANEL DECISION

WindSpace A/S v. Acciona, SA
Case No. D2026-3753

1. The Parties

The Complainant is WindSpace A/S, Denmark, represented by DLA Piper Denmark Law Firm P/S, Denmark.

The Respondent is Acciona, SA, Spain, represented by UBILIBET, S.L., Spain.

2. The Domain Name and Registrar

The disputed domain name <windspace.com> is registered with Ascio Technologies, Inc. Danmark - Filial af Ascio technologies, Inc. USA (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 21, 2026. On August 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 24, 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 registrant of WINDSPACE.COM) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 August 28, 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 proceeding commenced on August 31, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 20, 2026. The Response was filed with the Center on September 18, 2026.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on September 28, 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

A. Complainant

The Complainant is a company headquartered in Denmark, carrying on business since 2006 in connection with its renewable energy business, specialising in the development of wind and solar parks under the trade mark WINDSPACE (the “Trade Mark”).

The Complainant is the owner of Danish registration No. VR 2010 00540 for the Trade Mark, with a registration date of May 17, 2010.

B. Respondent

The Respondent is a company headquartered in Spain, carrying on business since 1997 in the renewable energy sector.

C. The Disputed Domain Name

The disputed domain name was registered on December 17, 1999.

D. Use of the Disputed Domain Name

The disputed domain name is not presently resolved to an active website.

The disputed domain name was previously used, until December 2014, in respect of the Spanish language website of the Spanish renewable energy company, Terranova (the “Respondent’s Website”).

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 Respondent has no rights or legitimate interests in the disputed domain name, as it has remained inactive for an extended period of time; the Respondent rejected the Complainant’s offer to buy the disputed domain name made in October 2009, the Respondent did not respond to the Complainant’s further offers, in 2014, and (via GoDaddy’s Domain Name Broker Service in 2022) to purchase the disputed domain name; and in light of the Respondent’s prolonged passive holding of the disputed domain name, the Complainant’s rights in the Trade Mark, and the Respondent’s repeated failure to engage despite numerous attempts to establish contact, the disputed domain name has been registered and used in bad faith under the Policy.

B. Respondent

The Respondent contends that the Complainant has not satisfied the second and third elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that the disputed domain name was historically used in respect of the renewable energy business of Terranova, including in respect of the Respondent's Website; that the Respondent came to be the owner of Terranova following Terranova's merger with another company, Cesa, in 2005 and the Respondent's subsequent acquisition of the business of Cesa in 2006; that the word "windspace" has an independent meaning and a plausible commercial context unrelated to the Complainant; and that the current inactive status of the disputed domain name results from internal strategic decisions and does not in all the circumstances demonstrate a lack of rights or legitimate interests in the disputed domain name.

As to bad faith registration and use, the Respondent contends that the chronology of registration and use of the disputed domain name and the absence of any evidence of targeting demonstrates that the disputed domain name has not been registered and used in bad faith. The Respondent contends further that the term "windspace" has a natural connection with wind and energy and, more broadly, with the renewable energy sector; the Complainant's attempts to acquire the disputed domain name do not demonstrate that the Respondent had any intention to sell the disputed domain name; and the current non-use of the disputed domain name does not amount to bad faith by way of passive holding, in light in particular of the independent meaning of the term "windspace", and the evidence of historical use of the disputed domain name in respect of the Terranova business.

The Respondent requests a finding of RDNH, in light of (i) the fact the Complainant was aware as early as 2009 of the existence of the disputed domain name, its registration in 1999, and the Respondent's refusal to sell it to the Complainant; (ii) the absence of any evidence of targeting; and (iii) the Complainant's filing of this proceeding having failed, three times, to acquire it from the Respondent.

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 trade mark 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 trade mark 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

The Panel finds that, before notice to the Respondent of the dispute, the disputed domain name was used in connection with a bona fide offering of goods or services. [WIPO Overview 3.1](#), section 2.2. The evidence on the record demonstrates that the Respondent's Website was used to promote the business of Terranova in the Spanish market from at least 2003 until 2014.

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 aim in registering the disputed domain name was to profit from or exploit the Complainant's Trade Mark.

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its Trade Mark rights because (i) the Complainant had no Trade Mark rights at the time that the Respondent's predecessor in title, Terranova, registered the disputed domain name; and (ii) the Complainant had not yet applied for or obtained registered rights in respect of the Trade Mark at the time it first approached the Respondent with an offer to purchase the disputed domain name. [WIPO Overview 3.1](#), section 3.8.1.

The Complainant's registration for the Trade Mark (in Denmark) was not applied for until September 29, 2009, almost ten years after the date of registration of the disputed domain name. The Complainant's initial request to purchase the disputed domain name was sent to the Respondent, by email, on September 21, 2009, and rejected by the Respondent in October 2009. At that time (in September 2009) the disputed domain name was resolved to the Respondent's Website.

The Respondent did not respond to the Complainant's further offers to buy the disputed domain name, in 2014 and 2022.

The Respondent purchased the business of Terranova (after Terranova's merger with Cesa) in 2006 – the same year the Complainant commenced its business in Denmark, and three years before the Complainant (i) filed its application for registration of the Trade Mark in Denmark; and (ii) first approached the Respondent with an offer to buy the disputed domain name.

The Panel finds the third element of the Policy has not been established.

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 Complainant is legally represented and ought therefore to be held to a higher standard.

In all the circumstances, the Panel finds the Complainant ought to have been aware that it would be unable to establish bad faith registration and use, as the disputed domain name was registered seven years before the Complainant commenced business, and almost ten years before the Complainant obtained its Danish registered rights in the Trade Mark.

The evidence shows that the Complainant was also aware, when it first approached the Respondent with an offer to buy the disputed domain name in September 2009, that the Respondent was using the disputed domain name in respect of the independent business of Terranova conducted in the Spanish market in the renewable energy sector.

The Complainant also ought to have been aware that, in light of the Respondent's refusal to countenance its three offers to purchase the disputed domain name (over a period of 13 years, from 2009 until 2022), the Complainant would be unable to establish bad faith under paragraph 4(b)(i).

In light also of the natural meaning of the term WINDSPACE, including in particular in respect of the renewable energy sector; the history of registration and use of the disputed domain name; and the Respondent's refusal to sell the disputed domain name, the Complainant ought also to have recognised that it would not be possible to meet the established requirements to support a finding of bad faith through passive holdings.

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

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: October 12, 2026