

ADMINISTRATIVE PANEL DECISION

Autobiz v. Liana Frasinianu, WIZIUP AND CO SRL
Case No. D2024-4836

1. The Parties

The Complainant is Autobiz, France, represented by Cabinet Beau de Loménie, France.

The Respondent is Liana Frasinianu, WIZIUP AND CO SRL, Romania.

2. The Domain Name and Registrar

The disputed domain name <autobizcentral.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 22, 2024. On November 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 26, 2024, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 the same day.

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 December 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2024. The Respondent sent email communications to the Center on November 26 and 27, and December 3 and 17, 2024.

The Center appointed Adam Taylor as the sole panelist in this matter on January 3, 2025. 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

Since 2004, the Complainant has supplied digital solutions in the automotive sector under the mark AUTOBIZ. The Complainant currently has 320 employees in six subsidiaries, located in France, Germany, Italy, Portugal, Spain, and Tunisia, covering 22 European markets. In 2023, the Complainant's group achieved turnover of EUR 130 million.

The Complainant's various solutions are branded with the word "autobiz" plus additional descriptive terms, e.g., "autobizMarket", "autobizTrade" etc.

The Complainant owns a number of registered trade marks for AUTOBIZ including:

- French trade mark No. 3267585, registered on June 18, 2004, in classes 9, 16, 41, and 42;
- International Registration No. 1008662 (designating the United States of America ("United States") amongst others), registered on October 28, 2008, in classes 9, 16, 41, and 42; and
- European Union Trade Mark No. 010923001, registered on November 19, 2020, in classes 9, 35, 38 and 42.

The Complainant operates a website at "www.autobiz.com".

The disputed domain name was registered on July 18, 2024.

As of November 21, 2025, the disputed domain name resolved to a website headed "AI-Powered Solutions for Auto Dealerships / Innovative Tools for Professional Success". The site included descriptions of digital products plus subscription options priced in USD and a contact form. The following appeared at the bottom of the home page beneath the words "New Jersey" and a United States telephone number: "Are you looking for a communications agency, a webmarketing agency, a community management agency, a Google Adwords agency, a website design agency? Our teams are here to help you!".

On December 3, 2024, following the filing of the Complaint, the Respondent sent an email stating that, whilst not accepting any of the Complainant's arguments, because the disputed domain name was "not in production", and had no traffic or notoriety, and was not yet in use by its client, the Respondent was open to an amicable resolution proposal from the Complainant. The Respondent stated that it would be open to sale of the disputed domain name "under fair conditions", adding that "for us" the disputed domain name held very little value and that, aside from the time spent addressing the correspondence, and any potential adjustments that its client may need to make, "there is very little to compensate". The Respondent said that it would commit not to register any future domain names containing the word "autobiz".

The Complainant replied on December 17, 2025, stating that it would withdraw the proceeding in return for transfer of the disputed domain name, but could not agree to make any payment as this would endorse cybersquatting practices.

On December 17, 2025, the Respondent responded that the offer was unacceptable but stating that it believed that its client might consider transferring the disputed domain name for USD 250, whereas the disputed domain name would be transferred immediately to a client in the United States if the UDRP proceeding was decided in its favour, which the Respondent considered likely.

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.

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.

Notably, the Respondent contends as follows:

- the Respondent is currently the temporary owner of the disputed domain name, which was registered temporarily for a client pending the incorporation of its new company;
- the Respondent searched in various trade mark registries including that of the European Union and found no trade marks relevant to website creation, the client's field of activity;
- the client, which is located in the United States, has not yet started its activity, the website at the disputed domain name is not up to date, and the disputed domain name is not yet in use;
- the Respondent agreed with the client that the disputed domain name would be transferred into the name of the client when the website goes live, but the Respondent has not yet received the "final professional information" from the client;
- the current content of the site does not reflect the client's actual business and is "temporary content" copied from another site at "www.gfeltz.com", which provides similar services in Belgium;
- the disputed domain name was not chosen with reference to the Complainant, of which the Respondent was unaware at the time of registration;
- the Respondent has informed its client "of the necessity to update their professional information without delay";
- the Respondent will place the website "in maintenance" until the decision in this proceeding, following which the disputed domain name will be transferred to the client, who will use it within the United States;
- the Complainant's primary activity appears to focus on supporting automotive industry professionals and private individuals with vehicle valuation and buyback, which is fundamentally different from the client's intended business which focuses on the creation and promotion of websites for car dealerships;
- the visual identity of the disputed domain name bears no resemblance to that of the Complainant in respect of in colours, logos, and general visual approach;
- the protection of the Complainant's trade mark in the European Union does not automatically grant the Complainant exclusive rights over all domain names starting with "autobiz", with phonetic similarities, even where similar services may be offered, which is not the case here; and
- the fact that the Complainant operates in a very different sector to that targeted by the disputed domain name invalidates any claim based on an intent to exploit the Complainant's reputation or create confusion.

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 Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), 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 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "central") 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 3.0](#), 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 recognised that proving 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 3.0](#), 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that, by using the disputed domain name for a website offering a range of digital solutions to auto dealerships, the Respondent has used the disputed domain name to intentionally attempt to attract, confuse, and profit from Internet users seeking the Complainant’s services. Such use of the disputed domain name could not be said to be bona fide.

The Respondent further contends that its alleged client intends to use the disputed domain name for a website focusing on the creation and promotion of websites for car dealerships.

Where a respondent relies on future plans, clear contemporaneous evidence of bona fide pre-complaint preparations predating the Respondent’s notice of the dispute is required. While, depending on the circumstances, such evidence may not need to be particularly extensive, it must go beyond a mere statement of a claimed intention. [WIPO Overview 3.0](#), section 2.2.

Here, the Respondent has provided no evidence at all in support of its alleged client’s alleged intended use of the disputed domain name.

Accordingly, the Panel considers that the Respondent has failed to establish use, or demonstrable preparations, for a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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 considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Not only does the disputed domain name include the Complainant's distinctive mark, but the Respondent has used the disputed domain name for a website that, like the Complainant, offered a wide range of digital solutions to the auto industry. The website also lacked a prominent disclaimer.

Accordingly, the Panel is not convinced by the Respondent's denial of knowledge of the Complainant.

Furthermore, the Respondent candidly acknowledges that its website was copied from a Belgian website but the Respondent has not confirmed that it possessed any authority or authorisation to do so, thereby displaying a propensity on the part of the Respondent to target European businesses offering digital services to the automotive industry.

The Panel is sceptical of the Respondent's claim to have searched various trade mark registries and, indeed, the Complainant's trade mark should have appeared if the Respondent searched the European Union registry, as it claims. Even if did carry out such a search, the Respondent's claim to have searched within a specific, and relatively narrow area of activity suggests that the Respondent may have attempted to engineer a result in a search to support its current position, rather than perform a standard pre-registration search.

Furthermore, the Respondent does not seriously attempt to justify its website, simply claiming that it was temporary. However, the Respondent cannot escape the consequences of the UDRP by simply stopping the bad faith use or claiming that it intended to. Otherwise, it would be all too easy for respondents to evade the UDRP by using domain names illicitly until confronted.

Nor is it relevant that, if true, the "temporary" website did not reflect the Respondent's alleged client's alleged actual intended business. The disputed domain name has nonetheless been registered and used by the Respondent in bad faith. The Panel would add that the Respondent has supplied no evidence confirming the existence of its alleged client or the client's alleged intended use of the disputed domain name. The Panel also notes that the Respondent's communications at times give the impression of having being written on behalf of the ultimate controller of the disputed domain name, rather than simply an agent.¹ Accordingly, the Panel doubts that the Respondent's alleged client actually exists but, in any case, the Panel considers that the existence of or otherwise of the client is immaterial to the outcome of the case. For that reason, the Respondent's various arguments based on the alleged intended, and unevicenced, use of the disputed domain name by the Respondent's client do not assist the Respondent.

The Respondent also claims that the Complainant's trade mark for AUTOBIZ in the European Union does not give the Complainant exclusive rights over all similar domain names. However, the main relevance of the Complainant's registered trade marks is simply to establish standing under the first element, discussed above. As to the third element, the Panel is not concerned with trade mark infringement per se but, rather, the likelihood or otherwise that the Respondent registered and used the disputed domain name to illicitly target the Complainant's mark.

The Panel finds that the Complainant has established the third element of the Policy.

¹See e.g., the Respondent's email of December 3, 2024, summarised in section 4 above.

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 <autobizcentral.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: January 17, 2025