

ADMINISTRATIVE PANEL DECISION

Knorr-Bremse AG v. bunyamin korkmaz

Case No. D2024-5007

1. The Parties

The Complainant is Knorr-Bremse AG, Germany, represented by Bettinger Scheffelt Partnerschaft mbB, Germany.

The Respondent is bunyamin korkmaz , Türkiye.

2. The Domain Name and Registrar

The disputed domain name <knorr-bremse.group> 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 December 4, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 5, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 2024, 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 December 9, 2024.

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 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2025. The Respondent did not submit a formal response. The Respondent sent an email communication to the Center on December 13, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on January 15, 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

The Complainant is a well-known developer and manufacturer of braking systems for rail and commercial vehicles, dating from 1905. It currently has over 19,000 employees, with 90 locations in 27 countries, and generates a turnover of over EUR 4.3 billion.

The Complainant trades under its trademark KNORR-BREMSE (the “KNORR-BREMSE Trademark”), and has registered its KNORR-BREMSE Trademark widely, including International Registration No. 726778, registered on October 10 1996 and designating 45 jurisdictions, and International Registration No. 1483795, registered on March 8, 2009 and designating 40 jurisdictions.

The Complainant promotes its products and services on the internet under its domain name <knorr-bremse.com>.

The disputed domain name was registered on September 19, 2024, and resolves to a Registrar’s holding page, stating that the domain name may be for sale.

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 is not generally known by the disputed domain name, and that the Complainant has never authorised the Respondent to use its KNORR-BREMSE Trademark in connection with a domain name registration, or otherwise.

B. Respondent

The Respondent sent an informal email communication to the Center on December 13, 2024, however it did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of its KNORR-BREMSE trademark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

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.

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

C. Registered and Used in Bad Faith

The Panel is convinced that the Respondent deliberately contrived the disputed domain name for the purpose of unfairly profiting from the Complainant's reputation, which justifies a finding of registration of the disputed domain name in bad faith, and the Panel so finds.

It is well-established in prior decisions under the Policy that the general offer for sale of a disputed domain name found to be confusingly similar to a complainant's trademark and registered in bad faith may constitute use of the disputed domain name in bad faith.

In the circumstances of the present case, there is no active offer of the disputed domain name for sale, but the holding page bears a statement that the disputed domain name "may" be for sale. This use, in the Panel's opinion, in combination with the identical nature of the disputed domain name, suggests that the Respondent knew, or should have known, of the Complainant and its KNORR-BREMSE Trademark, which would justify a finding of registration in bad faith. Moreover, the Panel finds that such use is likely to provoke the same reaction from potential buyers as an active offer for sale, and it is more than likely that the Respondent would seek to make an undue profit from any resulting sale by taking advantage of the reputation and goodwill associated with the KNORR-BREMSE Trademark.

Furthermore, the Panel notes that panels have found the mere registration of a domain name that is identical to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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 <knorr-bremse.group> be transferred to the Complainant.

/George R. F. Souter/

George R. F. Souter

Sole Panelist

Date: January 29, 2025