

ADMINISTRATIVE PANEL DECISION

Visable GmbH v. leo, christo leo

Case No. D2024-5074

1. The Parties

The Complainant is Visable GmbH, Germany, represented by Selting Attorneys at Law, Germany.

The Respondent is leo, christo leo, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <visible.bond>, <visible.info>, <visible.life>, <visible.live>, <visible.me> and <visible.shop> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 9, 2024. On December 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 10, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Jalan Permai) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 12, 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 17, 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 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 20, 2024.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on January 23, 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, Visable GmbH, operates in the B2B digital marketing sector, helping businesses increase their visibility through online platforms. The company primarily operates through “europages” and “Wer liefert was” (wlw), two leading European B2B platforms connecting suppliers and buyers. The Complainant has been using the Visable name in commerce since at least 2018, building substantial brand recognition in the B2B sector. The mark has been continuously used on its platforms and marketing materials, further establishing common law rights.

The Complaint is based on the Complainant’s trademark rights in the following registered marks:

- German trademark VISIBLE Reg. No: 3020181067220, registered on July 4, 2018, in class 35.
- European Union Trade Mark VISIBLE Reg. No: 017919112, registered on March 29, 2019, in classes 35, 38, 42.
- International trademark VISIBLE Reg. No: 1453317, registered on November 23, 2018, in classes 35, 38, 42.

The Complainant is also the owner of various domain names, including: <visible.com> and <visible.de>. These domains direct users to the Complainant’s official business platforms.

The disputed domain names were created on July 26, 2024.

The disputed domain names <visible.live>, <visible.info>, and <visible.bond> are actively used to offer online marketplace services that directly compete with those of the Complainant.

The disputed domain names <visible.life>, <visible.shop> and <visible.me> have no content or display warning messages indicating fraudulent activity. For instance, <visible.me> has a message stating “Betrügerische Webseite blockiert” (translated: “fraudulent website blocked”).

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 names.

Notably, the Complainant asserts that the disputed domain names incorporate the Complainant’s registered trademark VISIBLE in its entirety, and are identical to the trademark. The different generic Top-Level Domains (“gTLDs”), such as “.life,” “.live,” “.shop,” “.info,” “.me,” and “.bond,” are required features of domain names.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent is neither authorized nor licensed by the Complainant to use the VISIBLE trademark. There is no evidence suggesting that the Respondent is commonly known by the disputed domain names or has used the disputed domain names in connection with a bona fide offering of goods or services.

According to the Complainant, the Respondent registered and is using the disputed domain names in bad faith. The Respondent's use of the disputed domain names creates a false impression of affiliation or endorsement, thereby harming the Complainant's business and misleading consumers regarding the source or legitimacy of the services associated with the disputed domain names. Moreover, at least one of the disputed domain names resolves to a warning of potential fraudulent activity.

The Complainant asserts that the Respondent's actions fulfill the Policy requirements for bad faith registration and use, justifying the transfer of the disputed domain names to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed a complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a 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 was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

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 names. 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 trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the VISIBLE trademark is recognizable within the disputed domain names. The addition of gTLDs such as ".life," ".live," ".shop," ".info," ".me," and ".bond" are viewed as a standard registration requirement and as such are typically disregarded under the first element confusing similarity test. Accordingly, the disputed domain names are identical to the VISIBLE trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.11.

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 recognized 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 names. 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 names, such as those enumerated in the Policy or otherwise.

Three of the disputed domain names resolve to websites bearing the Complainant's VISIBLE trademark and offering competing services without any disclaimer of the lack of relationship with the Complainant. The other three disputed domain names resolve to inactive websites and/or Internet browser warnings regarding possible phishing or fraud risks. Such uses do not constitute a bona fide offering of goods or services, nor legitimate noncommercial or fair use. Moreover, the nature of the disputed domain names, being identical to the Complainant's VISIBLE trademark, carry a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds that 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 notes that the Respondent registered six disputed domain names, identical to the Complainant's well-known VISIBLE mark, with the apparent intent to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Panels have found that the non-use (passive holding) of a domain name does not prevent a finding of bad faith, particularly when the Complainant's mark is distinctive, and the Respondent has provided no legitimate explanation for its registration of the disputed domain names. Given the well-established reputation of the Complainant's VISIBLE mark, and the composition of the disputed domain names, the passive holding of certain disputed domains does not prevent a finding of bad of bad faith. [WIPO Overview 3.0](#), section 3.3.

Panels have held that the use of a domain name for fraudulent activity—such as impersonation or deceptive online practices—constitutes bad faith registration and use. In this case, the Respondent's actions indicate an intent to mislead consumers and exploit the Complainant's brand. [WIPO Overview 3.0](#), section 3.4.

Based on these factors, the Panel finds that the Respondent has registered and is using the disputed domain names in bad faith.

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

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 names <visible.bond>, <visible.info>, <visible.life>, <visible.live>, <visible.me>, and <visible.shop> be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: February 6, 2025