

ADMINISTRATIVE PANEL DECISION

GOPA - Gesellschaft für Organisation Planung und Ausbildung mbH v.
Domain Manager
Case No. D2025-0062

1. The Parties

The Complainant is GOPA - Gesellschaft für Organisation Planung und Ausbildung mbH, Germany, represented by lexTM GmbH Rechtsanwaltsgesellschaft, Germany.

The Respondent is Domain Manager, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <gopagroup.com> 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 January 8, 2025. On January 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 13, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 January 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 6, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on February 10, 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, founded in Germany in 1965, is multi-disciplinary group of consulting and engineering companies dedicated to implementing sustainable projects contributing to the international cooperation and global development in various areas such as: health, education and employment; agriculture, food and natural resources; infrastructure; energy; good governance and human rights; and economic growth and communication. The Complainant has more than 900 staff members, along with 5,000 international and local experts in seven independent consulting companies which are currently working in approximately 1,000 projects worldwide under the “GOPA Group” brand. The Complainant is the parent company of the “GOPA Consulting Group”.

The Complainant owns trademark rights for or including GOPA, such as the following:

- the International Trademark Registration number 1591815 for GOPA (word), registered on February 4, 2021, designating numerous countries worldwide including the United States, and covering services in International Class 42; and
- the European Union trademark registration number 018118265 for GOPA CONSULTING GROUP (figurative), filed on September 2, 2019, registered on January 9, 2020, covering services in International Classes 35 and 42.

The Complainant owns domain names incorporating GOPA together with the term “Group”, such as <gopa-group.com> registered on August 9, 2001; <gopa-group.eu> registered on April 12, 2006; <gopa-group.org> registered on January 16, 2013; or <gopa-group.de> registered on September 24, 2015.

The disputed domain name was registered on December 24, 2019, and, at the time of filing of the Complaint, it was not actively used, directing to the Registrar’s parking page.

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 itself, and its services, are commonly known and provided by the names GOPA, GOPA GROUP, GOPA CONSULTING GROUP, and GOPA CONSULTANTS; the Complainant, founded in 1965, is currently working on approximately 1,000 projects worldwide and is using the above mentioned names and trademarks; the Complainant has been offering its services globally under the service mark “GOPA Group” since 2001; the Complainant’s trademark GOPA CONSULTING GROUP/ GOPA GROUP is nearly identical / entirely reproduced in the disputed domain name; the prima facie case is further strengthened by the fact that the Respondent copied the Complainant’s existing domain names nearly identical and registered them as a “.com” domain name; the Respondent has no rights or legitimate interests in the disputed domain name; the Respondent has registered and is using the disputed domain name in bad faith, the Respondent is offering the disputed domain name via the brokerage service of the Registrar for USD 119,99 and, shortly after the Respondent was notified by the Complainant, the landing page was changed, still redirecting to the Registrar’s landing page but currently informing the visitors that the disputed domain name is “parked for free”.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 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 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 the marks GOPA and/or GOPA CONSULTING GROUP are easily recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms, here "group" to the mark GOPA, or the removal of the term "consulting" comprised in the mark GOPA CONSULTING GROUP, may bear on assessment of the second and third elements, the Panel finds the addition/removal of such terms 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 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 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 notes that the composition of the disputed domain name, which incorporates the Complainant's GOPA mark together with the term "group", which is ultimately very similar to the Complainant's trademark

GOPA CONSULTING GROUP, the Complainant's subsidiary company name and domain names and suggests an affiliation with the trademark owner.

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 notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly since it incorporates the Complainant's mark (registered since at least 2009¹) and is highly similar to the Complainant's company name and domain names.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

At the time of filing the Complaint, the disputed domain name was not connected to an active website.

UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the composition of the disputed domain name (which is highly similar to the Complainant's trademarks, company name and domain names); the Respondent's failure to respond to the present proceedings and thus, to put forward any argument in its favour; the Respondent's provision of inaccurate or incomplete contact information in the WhoIs (as the Written Notice couldn't be delivered by the courier); the implausibility of any good faith use to which the disputed domain name may be put, and finds that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

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, <gopagroup.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: February 14, 2025

¹ Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8. Here, the Panel has found that the Complainant was also the owner of the European Union trademark GOPA number 007444541 registered on July 28, 2009.