

## **ADMINISTRATIVE PANEL DECISION**

Vorwerk International AG v. Shi Libo  
Case No. D2025-0292

### **1. The Parties**

The Complainant is Vorwerk International AG, Switzerland, represented by Moeller IP & Co S.A., Argentina.

The Respondent is Shi Libo, United States of America

### **2. The Domain Name and Registrar**

The disputed domain name <vorwerkonline.top> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 24, 2025, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 2025, 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 amendment to the Complaint on February 3, 2025.

The Center verified that the Complaint together with the amendment to 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 February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 27, 2025.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on March 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**

The Complainant is a Swiss corporation. The Vorwerk group is a global leader in the direct sales industry, known for its high-quality household appliances, innovative technology and exceptional durability. Having traded for over 140 years it has established itself as a premier company in the sector.

In 2021 the group generated a turnover of Euros 3.4 billion with a global presence in over 60 countries. Its sales network consists of over 100,000 representatives worldwide.

The trade mark VORWERK and versions of the mark incorporating VORWERK are registered under the name of the Complainant and its subsidiaries and used extensively worldwide. A detailed list of the registrations in many countries is exhibited at Annex 2 to the Complaint .

Examples relied upon include;

VORWERK registered in Switzerland on June 16, 2006, No.P-547019, in classes 3,7,9,16, 21 and 37.

VORWERK International Registration on January 11, 1995, No. 637267, in classes 3,7,9,11, 16 and 37.

The Complainant is also the owner of various domain names which incorporate the mark VORWERK including;

<vorwerk.com> registered on October 5, 1998.

<vorwerk-group.com> registered on March 2, 2009.

<vorwerkthermomix.com> registered on December 27, 1999.

The Complainant became aware that the Respondent had registered the disputed domain name <vorwerkonline.top> on December 3, 2024. That is after the dates of the Complainant's trade mark registrations relied upon.

It resolved to a website offering the Complainant's products under the trade mark VORWERK and THERMOMIX along with repair services, spare parts and accessories. The Complainant exhibits at Annex 3 to the Complaint the full print screen of the main page of the corresponding website. It can be seen that the website prominently on multiple occasions displays the trade mark VORWERK. The Respondent used the same distinctive green colour that the Complainant has also used in its official website and advertisements. The Complainant points out that the Respondent is not known, authorized by or related to the Complainant.

In the absence of a Response the Panel finds the evidence adduced by the Complainant to be true.

#### **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;

- i. The phonetic and graphic similarities between the Complainant's trade mark VORWERK and the disputed domain name show a confusing similarity between the trade mark and domain name;

- ii. The Respondent registered the disputed domain name with no authorization from the Complainant. It has no legitimate rights or interest in the Complainant's trade mark VORWERK.
- iii. The Respondent's website prominently displays the Complainant's trade mark VORWERK and uses similar branding elements which creates a false impression of affiliation with the Complainant so as to evidence registration and use in bad faith.

## **B. Respondent**

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

## **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 Panel finds the mark is recognizable 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.

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 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 takes into account that the Complainant has confirmed that the Respondent has not received any license or authorization from it to utilize the trade mark VORWERK or the disputed domain name.

The Panel considers that the composition coupled with the use the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1

Panels have held that the use of a domain name for illegal activity, in this case passing off, by using the disputed domain name in connection with the Complainant's goods being offered for sale on the Respondent's website so to create a false impression that it is an authorized reseller or service provider for the Complainant's products, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

Panels have held that the use of a domain name for illegal activity, in this case passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name, by displaying Complainant's products, constitutes bad faith under the Policy. The Panel finds on the evidence that the Respondent's registration of the disputed domain name substantially similar to the Complainant's trade mark shows a deliberate attempt to benefit from the Complainant's established reputation and goodwill in the trade mark. This falls within section 4(b)(iv) of the Policy as evidence of registration and use in bad faith.

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 <vorwerkonline.top> be transferred to the Complainant .

*/Clive Duncan Thorne/*

**Clive Duncan Thorne**

Sole Panelist

Date: March 17, 2025