

ADMINISTRATIVE PANEL DECISION

Chiefs AG v. Daniel Gnos
Case No. D2025-0309

1. The Parties

The Complainant is Chiefs AG, Switzerland, represented by Teworte-Vey Simon Schumacher & Partner mbB, Germany.

The Respondent is Daniel Gnos, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <kaimun.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 27, 2025. On January 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 28, 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 amended Complaint on January 31, 2025.

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 February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. The Response was filed with the Center on February 13, 2025. The Complainant made an unsolicited supplemental filing on February 17, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on February 17, 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 an internationally active company based in Urdorf, Switzerland. It is active in the production, distribution, and sale of functional foods (such as protein drinks and protein bars) as well as supplements, either through its own webshops or through third party retailers and online channels.

The Complainant owns inter alia the following trademark registrations:

- Swiss trademark registration no. 776434 for KAIMUN registered on February 11, 2022 in classes 5, 25, 29, 30 and 32; and
- International registration no. 1701565 for KAIMUN registered on June 27, 2022, in classes 5, 29, 30 and 32.

The Complainant uses the KAIMUN trademark in particular for protein bars and drinks. The Complainant operates a website under the domain name <kaimunlife.com>.

The disputed domain name <kaimun.com> was registered on July 20, 2022.

The disputed domain name redirects to an active website offering food products high in protein such as high-protein bars and drinks under the domain name <barebells.com>. Such website is operated by a competitor of the Complainant, also active internationally.

The Respondent is a former manager of the Complainant.

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 disputed domain name is identical to its KAIMUN registered trademark as it identically reproduces it, the generic Top-Level Domain ("gTLD") ".com" being disregarded due to its purely technical function.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name, as the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services and is not commonly known by the disputed domain name. The Complainant contends that the Respondent's is a former shareholder and manager of the Complainant, who left the company on bad terms.

Finally, according to the Complainant, the Respondent has registered and used the disputed domain name in bad faith. The Complainant observes that the disputed domain name was registered half a year after the publication of its Swiss trademark registration for KAIMUN, which is a coined word. The Complainant also asserts that the Respondent used the disputed domain name to divert Internet traffic to the website of the Complainant's main competitor.

In its supplemental filing, the Complainant argues that the Response is based mainly on the Respondent's assertions, which are not substantiated and are unplausible.

B. Respondent

The Respondent contends that the disputed domain name was transferred to a company named Gnosco GmbH on February 21, 2024.

The Respondent argues further that the disputed domain name was initially reserved for an internal project that was never implemented and that the redirection to the website under the domain name <barebells.com> was unintentionally left active after internal testing.

The Respondent claims that the name “kaimun” was unrelated to the Complainant’s trademark or business activities.

The Respondents asserts that there is no business relationship between Gnosco GbmH and the “Barebells” brand or its parent company and that the disputed domain name was not used for the benefit of this company.

Finally, the Respondent contends that a registered trademark does not automatically grant exclusive rights to a specific domain name and that the Complainant’s trademark KAIMUN is not globally protected. The Respondent considers that the delayed reaction of the Complainant (raising concerns more than two years after the registration of the disputed domain name) suggests that the registration and use of the disputed domain name did not cause material harm to the Complainant.

6. Discussion and Findings

6.1 Preliminary Issue: Unsolicited Supplemental Filing

The Complainant made an unsolicited supplemental filing after the filing of the Response.

Paragraph 10(d) of the Rules provides that “[t]he Panel shall determine the admissibility, relevance, materiality and weight of the evidence”. Although paragraph 12 of the Rules empowers the Panel, in its sole discretion, to request further statements or documents from either of the Parties, this does not preclude the Panel from accepting unsolicited filings. See *Delikomat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#).

The Respondent did not formally object to the admission of the Complainant’s supplemental filing.

The Panel observes that the Complainant’s brief supplemental filing seeks to rebut allegations in the Response and that these allegations could not reasonably have been anticipated at the time of filing the Complaint.

The supplemental filing was made before the appointment of the Panel and will not unduly burden this proceeding.

Therefore, the Panel exercises its discretion to admit the Complainant’s supplemental filing and will take it into consideration in this decision according to its relevance, materiality, and weight as part of the evidence on the record.

6.2 Preliminary issue: Identity of the Respondent

The Respondent asserts that the disputed domain name was transferred to a company named Gnosco GmbH on February 21, 2024. No evidence is provided to substantiate this allegation. Moreover, the Registrar confirmed that the Respondent was the named registrant for the disputed domain name at the time of the filing of the Complaint. The Panel concludes therefore that Mr. Gnos is the Respondent in the present case.

6.3 Substantive Issues

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 domain name; and
- (iii) the domain name registered by the respondent 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 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.

It is generally accepted that the applicable gTLD in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. In the present case, the gTLD ".com" may be disregarded.

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.

Indeed, based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization to use its trademark within the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name. The Respondent has not demonstrated any use or preparations to use the disputed domain name in connection

with a bona fide offering of goods or services, or any other rights or interests to the disputed domain name. The Respondent's assertion that the disputed domain name was registered "for an internal project" is not substantiated in any manner. It is moreover unclear why an internal project of the Respondent should involve connecting the disputed domain name to a third-party website, operated by a company with which the Respondent claims to have no relationship, and which directly competes with the Complainant.

Finally, based on the evidence provided by the Complainant, the Respondent has used the disputed domain name to redirect Internet users to a third-party website in direct competition with the Complainant, either for commercial gain or to disrupt the Complainant's business, which is not a legitimate noncommercial purpose.

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 a few months after the Complainant first registered its KAIMUN trademark in Switzerland.

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.

Given that the word KAIMUN is not a dictionary word and has no meaning, on the one hand, and the fact that the Respondent is a former manager of the Complainant, on the other hand, the Panel finds it unlikely that the disputed domain name was chosen independently without reference to the Complainant's trademark. Consequently, the Panel considers that the Respondent could not ignore the existence of the Complainant and of its trademark at the time of the registration of the disputed domain name, such that the disputed domain name was registered in bad faith.

Furthermore, the Respondent used the disputed domain name to redirect Internet users to an active website of a competitor offering food products high in protein such as high-protein bars and drinks, directly competing with the Complainant's products commercialized under the KAIMUN trademark.

The Respondent did not provide a satisfactory explanation regarding the reasons why the disputed domain name redirected to the website of the Complainant's main competitor. He only mentioned that the redirection was made for "internal testing" in the context of an "internal project".

According to paragraph 4(b)(iv) of the Policy, use of a domain name to attract, for commercial gain, Internet users to the respondent's website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of his website, amounts to use in bad faith. WIPO Panels have found that redirecting a domain name to a competitor of the complainant's website is a behaviour that falls under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4.

For the reasons set out above, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith, and that the Complainant has satisfied the condition set forth in paragraph 4(a)(iii) of the Policy.

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 <kaimun.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: March 4, 2025