

## **ADMINISTRATIVE PANEL DECISION**

Unilin B.V. v. Domain Admin

Case No. D2025-0539

### **1. The Parties**

The Complainant is Unilin B.V., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is Domain Admin, United States of America.

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

The disputed domain name <rezillo.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 the same day.

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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 10, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on March 12, 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 private limited company incorporated in Belgium.

The Complainant owns the European Union ("EU") trademark registration number 019082348 for REZILLO (word), filed on September 23, 2024, registered on February 6, 2025, covering goods in International classes 17, and 19.

The Complainant holds domain names incorporating the mark REZILLO, such as <rezillo.be> and <rezillo.nl>, both registered on September 23, 2024.

The disputed domain name was registered on September 23, 2024, and, at the time of filing the Complaint, it was not actively used, but was resolving to the Registrar's website, mentioning that the disputed domain name is for sale for the amount of USD 2,850.

#### **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 the disputed domain name is identical to its trademark; 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, since the disputed domain name was registered only 22 minutes after the publication of the application for the Complainant's EU trademark, thus indicating that the Respondent may have been monitoring the EUIPO website and registered the disputed domain name as soon as he spotted the Complainant's trademark application on the EUIPO website; the "disclosed" registrant is in turn what appears to be yet another privacy or proxy service, and such multi-layered obfuscation or possible cyberflight may support an inference of the Respondent's bad faith, in an attempt to shield illegitimate conduct from a UDRP proceeding.

The Complainant supposes that the contact email address of the Respondent, revealed by the Registrar, is linked with the company Catchdaddy Inc., a company involved in at least two UDRP proceedings decided against it and both cases involved the registration of the contested domain names on the same day as the Complainant's EU trademark application. See *Hacona KFT. v. Registration Private, CATCHDADDY LLC*, WIPO Case No. [D2023-4506](#); and *Kingspan Holdings (IRL) Limited v. CATCHDADDY LLC*, WIPO Case No. [D2024-0189](#).

##### **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 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**

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 notes the composition of the disputed domain name which reproduces the Complainant's trademark REZILLO exactly. Further, the disputed domain name was offered for public sale on a third party's website and the Respondent has been involved in past UDRP disputes decided against it. These facts, together with the other circumstances in this case, including a lack of any explanation for the choice of disputed domain name by the Respondent (identical to the Complainant's trademark), do not amount to a bona fide offering or legitimate noncommercial or fair use.

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.

In the present case, the Panel notes that the disputed domain name was registered on the same day that the Complainant applied for its EU trademark and registered its domain names <rezillo.be> and <rezillo.nl>, and that, per the evidence provided by the Complainant, it is more likely than not that the Respondent has engaged in a pattern of similar conduct in relation to other EU trademarks. While no trademark registration had been granted at the date the disputed domain name was registered, it is clearly recognized in jurisprudence under the UDRP that a registrant may be found to have acted in bad faith when taking unfair advantage of nascent trademark rights in this way. [WIPO Overview 3.0](#), section 3.8.2.

Paragraph 4(b)(i) of the Policy provides the circumstance when the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name. The Panel finds that, registering a domain name identical to the Complainant's trademark and offering it for sale to the public at large, for valuable consideration in excess of its out-of-pocket expenses (absent any evidence from the Respondent to the contrary), preventing the Complainant from reflecting its trademark in a corresponding domain name, is evidence of bad faith behavior in the circumstances of this case. [WIPO Overview 3.0](#), section 3.1.1.

Paragraph 4(b)(ii) of the Policy provides another circumstance of bad faith registration and use when the respondent registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct. The Respondent's involvement in previous UDRP disputes, enforces such finding. [WIPO Overview 3.0](#), section 3.1.2.

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 <rezillo.com> be transferred to the Complainant.

*/Marilena Comanescu /*

**Marilena Comanescu**

Sole Panelist

Date: March 21, 2025