

ADMINISTRATIVE PANEL DECISION

Swatch AG v. Domain Admin

Case No. D2025-0583

1. The Parties

The Complainant is Swatch AG, Switzerland, internally represented.

The Respondent is Domain Admin, United States of America.

2. The Domain Name and Registrar

The disputed domain name <swatchrebelsforgood.com> (the “Disputed Domain Name”) 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 13, 2025. On February 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 17, 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 (individual/entity of unknown nature; owner of Disputed Domains) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 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 February 18, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 17, 2025.

The Center appointed Nicholas Weston as the sole panelist in this matter on March 25, 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 company incorporated in Switzerland and a wholly-owned subsidiary of The Swatch Group Ltd, one of the largest watch companies in the world, that employs about 31,000 people in 50 countries. The Complainant holds registrations for the trademark SWATCH REBELS FOR GOOD in numerous countries including Swiss Trademark Registration No. 816484 registered on June 26, 2024 in classes 9, 14, 35, 36 and 41 and International Trademark Registration No. 1837928 registered on October 17, 2024 in classes 9, 14, 35, 36 and 41 also. The Complainant also holds registrations for the famous trademark SWATCH in numerous countries including International Trademark Registration No. 506123 registered on September 9, 1986.

The Complainant owns the domain name <swatch.com> which hosts a website operated by the Complainant.

The Disputed Domain Name was registered on October 18, 2024. The Disputed Domain Name redirects to a webpage with a message that offers the Disputed Domain Name for sale.

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 cites a number of trademark registrations for the mark SWATCH REBELS FOR GOOD in numerous jurisdictions, as prima facie evidence of ownership.

The Complainant submits that its rights in the mark SWATCH REBELS FOR GOOD predate the Respondent's registration of the Disputed Domain Name. The Complainant submits that the Disputed Domain Name is identical to its trademark, for the reason that the Disputed Domain Name incorporates in its entirety the SWATCH REBELS FOR GOOD trademark, and that the identity is not removed by the generic Top-Level Domain ("gTLD") ".com".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because none of the circumstances set out in section 4(c) of the Policy "applies to Respondent in the present dispute" and the Complainant contends that use of the Disputed Domain Name in connection with a website where it is offered for sale for USD 2,850 should not be considered as a bona fide offering of goods or services.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to evidence that it submits "[b]y registering a domain name encompassing and solely comprising of Complainant's SWATCH REBELS FOR GOOD international trademark immediately following the registration and publication of the afore-mentioned trademark (registration and publication of the afore-mentioned trademark on October 17, 2024; registration of the Disputed Domain [Name] on October 18, 2024 Respondent is trying to coerce Complainant into acquiring the Disputed Domain [Name] from Respondent for a monetary consideration in vast excess of Respondent's out-of-pocket cost for acquiring the Disputed Domain [Name] thereby disrupting Complainant's business. In doing so, Respondent is furthermore depriving Complainant of the chance to reflect its trademark adequately on the Internet which is an indication of a bad faith registration and usage."

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that 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.

Based on the available record, the Panel finds 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 Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark SWATCH REBELS FOR GOOD in several countries.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the SWATCH REBELS FOR GOOD trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark SWATCH REBELS FOR GOOD; (b) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "swatchrebelsforgood".

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 Disputed 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 Disputed 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.

The Panel finds that the word “swatchrebelsforgood” has no ordinary meaning other than in connection with the Complainant. Furthermore, the Respondent has not licensed, permitted, or authorized the Respondent to use the trademark SWATCH REBELS FOR GOOD and there is no indication that the Respondent was commonly known by the term “swatchrebelsforgood” prior to registration of the Disputed Domain Name. The Panel also notes that the composition of the Disputed Domain Name carries a risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1).

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 evidence that the Disputed Domain Name redirects to a website offering the Disputed Domain Name for sale for an amount that likely exceeds the Respondent's out-of-pocket expenses and finds that this does not represent a bona fide offering of goods or services, or a 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 finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, given the distinctive composition of the Disputed Domain Name, and the prior rights the Complainant has in its trademark, which was registered the day after the International trademark No. 1837928 for SWATCH REBELS FOR GOOD was registered, the Panel is satisfied that the Respondent targeted the Complainant when it registered the Disputed Domain Name.

The Complainant's mark SWATCH is so famous that the Panel is prepared to infer that the Respondent knew, or should have known, that its registration would be identical or confusingly similar to the Complainant's trademarks (see [WIPO Overview 3.0](#), section 3.2.2). In this case the Complainant's marks were plainly targeted by the Respondent.

On the issue of use, the Complainant's evidence is that the Respondent has offered the Disputed Domain Name for sale at a price likely in excess of its out-of-pocket costs. This Panel accepts that USD 2,850 is an amount that likely exceeds, without evidence to the contrary, the Respondent's out-of-pocket expenses in registering the Disputed Domain Name. The Respondent has not supplied any evidence of those documented costs to show that what it was seeking was seeking recoup its costs. As such, the Panel finds it more likely that the Respondent has registered the Disputed Domain Name primarily for the purpose of selling it to the Complainant — or a competitor of the Complainant — for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the Disputed Domain Name, which is further evidence of bad faith. [WIPO Overview 3.0](#), section 3.1.1.

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 <swatchrebelsforgood.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: April 8, 2025