

ADMINISTRATIVE PANEL DECISION

Sebach - Servizio Bagni Chimici - S.p.A. v. beats

Case No. D2025-0725

1. The Parties

The Complainant is Sebach - Servizio Bagni Chimici - S.p.A., Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is beats, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <armal.com> is registered with Megazone Corp., dba HOSTING.KR (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 21, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 2025, the Registrar transmitted by email to the Center its verification response confirming that the language of the registration agreement is in Korean and 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 February 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 amended Complaint on March 4, 2025.

On February 27, 2025, the Center informed the parties in Korean and English, that the language of the registration agreement for the disputed domain name is Korean. On March 4, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 March 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2025. The Response was filed with the Center on March 25, 2025.








The Center appointed Andrew J. Park as the sole panelist in this matter on April 14, 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, Sebach - Servizio Bagni Chimici - S.p.A. is a public limited company. Since 1987, it has specialized in renting portable toilets for construction sites, public areas, small private events, large events, and ranging from emergency situations to long-term rentals. With its 80 concessionaires and more than 1,500 rental points, the Complainant moves 50,000 mobile portable toilets throughout the country per day.

The Complainant's portable toilets are manufactured by its sister company Armal S.p.A., a leader in the manufacture of portable sanitation products, which are exported to over 130 countries. The Complainant was selected as the official supplier of portable toilets at events throughout Italy and are present at the most important events.

The Complainant is the owner of numerous trademark registrations, including the following:

Jurisdiction	Trademark	Registration Number	Registration Date	Class
Italy		302008901592063	March 27, 2008	01, 11
Italy		302006901467821	December 29, 2006	01, 11
European Union		W00964518	March 27, 2008	01, 11
European Union		W00941793	December 29, 2006	01, 11
International TM		941793	December 29, 2006	01, 11
International TM		1462597	December 7, 2018	11
International registration designating in various jurisdictions		964518	March 27, 2008	01, 11

Republic of Korea	<small>ARMAL ASIA LIMITED figurativo a colori</small> 	1762121 (Refusal/Examination/Opposition)	September 4, 2023	01, 11
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The Respondent registered the disputed domain name on December 4, 2014, and it currently resolves to a pay-per-click (“PPC”) website which contains links that are related to the Complainant’s business fields. Also, the “Buy this domain” link is redirecting Internet users to a page in which the disputed domain name is sold at a minimum price of USD 900.

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 because:

(1) The disputed domain name is identical or confusingly similar to the Complainant’s trademark ARMAL in which the Complainant has rights. The Complainant contends that it has prior rights on the trademark ARMAL in Italy and worldwide, and that the disputed domain name is composed of the exact reproduction of the ARMAL trademark. Also, the applicable generic Top-Level Domain in a domain name is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark. The Complainant believes that when Internet users see the disputed domain name, they will inevitably associate same with the Complainant’s trademark ARMAL.

(2) the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant claims that the Respondent lacks any rights or legitimate interest in the disputed domain name because the Complainant has not licensed nor authorized the use of its registered trademark ARMAL to the Respondent, and there is no information that the Respondent is trading under a name corresponding to the disputed domain name. Furthermore, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain, as the disputed domain name points merely to an inactive website where there are PPC links and the domain name is being offered for sale. There is no evidence of any use of the disputed domain name as a bona fide offering of goods or services, nor of any demonstrable preparations for such an offering. The Complainant argues that it is evident that the use of the disputed domain name for pages that are built on and around the Complainant’s trademarks does not establish rights or legitimate interests and cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

(3) The Respondent has no rights or legitimate interests in the disputed domain name, which is identical to the Complainant’s well-established and distinctive trademark ARMAL. The Respondent’s registration and use of the disputed domain name constitutes bad faith under the UDRP, as the disputed domain name was clearly intended to exploit the Complainant’s trademark reputation by diverting consumers to a parked page featuring PPC links, including services in direct competition with the Complainant. Such use does not amount to a bona fide offering of goods or services and serves to create a likelihood of confusion among consumers, tarnish the Complainant’s mark, and deprive the Complainant of the opportunity to register a domain in which it has a legitimate interest. The use of a privacy service to obscure the Respondent’s identity, coupled with clear evidence that the Respondent knew or should have known of the Complainant’s prior rights, further supports a finding of willful cybersquatting and bad faith registration and use under paragraphs 4(a)(iii) and 4(b) of the Policy.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three elements required under the Policy for a transfer of the disputed domain name. The Respondent denies that the disputed domain name was registered in bad faith, asserting that the Complainant made multiple unsuccessful attempts to purchase the disputed domain name which did not go through and initiated this Complaint only after failing to agree on a price, as evidenced in the submitted annexes.

The Respondent argues that registering a domain name for the purpose of resale does not, in itself, constitute bad faith. Although the Respondent has previously lost domain disputes due to poor handling, it emphasizes that they were businesses engaged in the legitimate buying and selling of domain names and sale of domain names does not amount to cybersquatting or a violation of trademark laws. The Respondent insists that it did not have any intention to target or exploit the Complainant's trademark rights.

6. Discussion and Findings

A. Language of the Proceeding

The Registration Agreement for the disputed domain name is written in Korean. Pursuant to paragraph 11(a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the registration agreement, the language of the proceeding shall be the language of the Registration Agreement, i.e., Korean, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant, following the filing of the Complaint with the Center, requested that the language of proceeding be in English, providing three main reasons.

(1) The Respondent is familiar with English. Many English terms are used on the website to which the disputed domain name resolves, while no Korean terms are used.

(2) Also, the Complainant has no familiarity with the Korean language and holding the proceedings in this language would be unnecessarily burdensome for the Complainant.

(3) The Respondent has been involved in prior WIPO domain name dispute cases which were conducted in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judiciously in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered the circumstances of the case, the Panel decides that English be adopted as the language of the proceeding under paragraphs 10 and 11(a) of the Rules. In coming to this decision, the Panel has taken the following into account:

(1) The Complaint has been submitted in English and it would cause undue delay and expense if the Complainant were required to translate the Complaint and other documents into Korean.

(2) Given that the Respondent did not raise any objections to the Complainant's request for the language of the proceeding and submitted its Response in both English and Korean, it is evident that the Respondent understood the English-language Complaint. Furthermore, both the disputed domain name and the associated website are in English, further supporting the appropriateness of conducting the proceedings in English.

(3) The Panel is proficient in both English and Korean, capable of reviewing all submitted documents and materials in both languages and giving full consideration to the Parties' respective arguments.

(4) The Complainant and the Respondent use different languages, and neither of them likely understands the language of the other party. The Complainant is located in Italy while the Respondent is from the Republic of Korea. Therefore, English would be a fair language for both Parties.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that it will (1) accept the Complaint in English and the Respondent's communications in Korean; (2) consider any relevant materials in both Korean and English; and (3) issue a decision in English.

B. Identical or Confusingly Similar

This element consists of two parts: first, whether the Complainant has rights in a relevant trademark and, second, whether the disputed domain name is identical or confusingly similar to that trademark.

The Panel finds that the Complainant has established registered rights in the trademark ARMAL and that the disputed domain name is identical to the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark in its entirety. The Complainant has used the ARMAL mark to identify its company and products since 1987. The term "armal" is distinctive, not a common word, and so far as the Panel is aware does not serve as a descriptive term for the Complainant's products or for any other goods, services, companies, or locations. Furthermore, in determining whether a domain name is identical or confusingly similar to a trademark, the gTLD ".com" is typically disregarded (see *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#); [WIPO Overview 3.0](#), section 1.11.1).

For these reasons, pursuant to the Policy, paragraph 4(a)(i), the Panel finds that the disputed domain name is identical to the Complainant's trademark and the first element of the Policy has been established.

C. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the Respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. [WIPO Overview 3.0](#), section 2.1.

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish its rights or legitimate interests in the disputed domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Here, having reviewed the available records, 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 Complainant has asserted that the Respondent has no relationship with or authorization from the Complainant to use its trademark. There is nothing in the record to suggest that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name or has been commonly known by the disputed domain name. The Respondent registered the disputed domain name and created a website using the disputed domain name redirecting Internet users who visit the Respondent's website by clicking the PPC links leading to third party websites, all in an effort to confuse Internet users or consumers about the relationship between the Respondent and the Complainant and all without the Complainant's permission or authorization. These facts demonstrate that the Respondent never had an intention to use the disputed domain name in connection with a bona fide offering of goods and services.

The Panel also finds that these facts may be taken as true in the circumstances of this case in view of the use of the disputed domain name. Further, the Panel is unable to find any reasonable basis upon which the Respondent could be said to have any rights or legitimate interests in respect of the disputed domain name even after duly considering the Respondent's claims as set forth in its Response of March 25, 2025.

Accordingly, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy and the second element of the Policy has been established.

D. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark, or to a competitor of that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant claims that the Respondent registered and is using the disputed domain name in bad faith in violation of the Policy, paragraph 4(a)(iii). Specifically, the Complainant claims that the Respondent violated the Policy paragraph 4(b)(i), (ii), and (iv) by registering the disputed domain name with the intention of selling the disputed domain name for valuable consideration and that it prevented the Complainant from reflecting the mark in a corresponding domain name, given that the Respondent has engaged in a pattern of such conduct and attempts to attract, for commercial gain, Internet users to the Respondent's website to which the disputed domain name resolves by creating a likelihood of confusion with the Complainant's trademark.

The Panel has duly considered the Respondent's assertions in its Response dated March 25, 2025. However, the Respondent did not show any clear and probative evidence, failing thereby to formally rebut the Complainant's allegations of the Respondent's bad faith registration and use of the disputed domain name.

In present circumstances, the Panel has the responsibility of determining which of the Complainant's assertions are established as facts and whether the conclusions asserted by the Complainant can be drawn from the established facts (*Harvey Norman Retailing Pty Ltd v. Oxford-University*, WIPO Case No. [D2000-0944](#)).

Given the Complainant's international presence and trademark registrations for ARMAL worldwide, it is implausible that the Respondent was unaware of the Complainant's rights in the disputed domain name at the time of registering the disputed domain name in 2014. While it is noted that the Complainant's trademark application in the Republic of Korea was filed after the Respondent's registration of the disputed domain name, and is still pending, the Panel considers the overall context of the registration and use of the disputed domain name by the Respondent, including the Respondent's intent and awareness of the Complainant's rights globally. In this case, the Respondent's passive holding of the disputed domain name for over a decade—combined with it resolving to a PPC page featuring links related to the Complainant's industry — further support a finding of the Respondent's bad faith in the registration and use of the disputed domain name.

The disputed domain name has been used only to host a parked page with no indication of any bona fide offering of goods or services. The domain has not been used in any meaningful way since registration, and no legitimate preparations for use have been presented by the Respondent.

The Panel further finds that the Respondent has used the disputed domain name in a manner likely to confuse Internet users into believing that the website to which the disputed domain name resolves is associated with the Complainant. By redirecting traffic to a parked page containing links in fields related to the Complainant's business, the Respondent seeks to generate commercial gain through confusion as to source, sponsorship, affiliation, or endorsement thereby fulfilling the criteria under paragraph 4(b)(iv) of the Policy.

Here, all such conditions are met. The ARMAL mark is distinctive and widely used in over 130 countries. The Respondent has not shown any rights or legitimate interests in the disputed domain name, and the disputed domain name is used only for monetized PPC links.

As the conduct described above falls squarely within paragraph 4(b)(i), (ii), and (iv) of the Policy, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith pursuant to the Policy, paragraph 4(a)(iii). Therefore, the Panel concludes that the third element of the Policy has been satisfied.

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 <armal.com> be transferred to the Complainant.

/Andrew J. Park/

Andrew J. Park

Sole Panelist

Date: April 28, 2025