

ADMINISTRATIVE PANEL DECISION

Vorwerk International AG v. sheila arshad
Case No. D2025-0757

1. The Parties

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

The Respondent is sheila arshad, United Kingdom.

2. The Domain Name and Registrar

The Disputed Domain Name <thermomixdelights.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 February 24, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 25, 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 (UNKOWN (private services)) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 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 amendment to the Complaint on February 28, 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 March 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2025. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent's default on March 29, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on April 4, 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, Vorwerk International AG is a Swiss company that is part of the Vorwerk group of companies. The Vorwerk group of companies' core business is the production and the sale of household products.

The Complainant is the owner of inter alia the following trademarks:

-  , United Kingdom mark No. UK00903772341 registered on October 31, 2005, in classes 11, 16, and 21;
- THERMOMIX, United Kingdom word mark No. UK00801188472 registered on November 4, 2014, in classes 7, 8, 9, 11, 16, 18, 21, 24, 25, 28, 29, 30, 32, 35, 37, and 41;
-  , European Union mark No. 003772341 registered on October 31, 2005, in classes 11, 16, and 21.

The Complainant also claims to operate multiple domain names that include the THERMOMIX mark, including <thermomix.com> which resolves to the official website of the Complainant.

The Disputed Domain Name was registered on January 13, 2025. According to the Complainant's evidence, the Disputed Domain Name resolved to a website displaying the terms "THERMOMIX DELIGHTS Cook Smart, Eat Well" and a widescreen image of people gathered around a table with food. The Disputed Domain Name currently resolves to a website displaying the same terms, a picture seemingly of one of the Complainant's household products, and a contact form, inviting visitors to fill in their name, email and a message.

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 confusingly similar to the Complainant's THERMOMIX trademark as it incorporates the trademark plus the additional term "delights", which does not change the overall impression of the domain name being connected to the Complainant.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as the Respondent does not own any trademark registration, has no known connection to the Complainant, and has not received any authorization or license to use the THERMOMIX trademark or include it in any domain name.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant:

- The Respondent was aware or should have been aware of the Complainant's trademark rights when registering the Disputed Domain Name, as the Respondent is using the Disputed Domain Name in connection with the Complainant's products;

- The Respondent creates a false impression, or is likely to create such impression, that it is an authorized reseller or service provider for the Complainant's products; and
- The Disputed Domain Name was likely registered to benefit from the Complainant's reputation.

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 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 entirety of the THERMOMIX mark is reproduced 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.

Although the addition of other terms (here, "delights") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 that the Respondent has not apparently been commonly known by the Disputed Domain Name, and that the Respondent does not seem to have acquired corresponding trademark or service mark rights. According to the information provided by the Registrar, the Respondent is “sheila arshad”. The Respondent’s registration and use of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry.

Beyond looking at the domain name and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not (see sections 2.5.2 and 2.5.3 of [WIPO Overview 3.0](#)).

The Disputed Domain Name currently resolves to a website displaying both the Complainant’s THERMOMIX trademark and a picture seemingly of one of the Complainant’s products, inviting visitors to provide personal information. The Panel finds that this does not amount to a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the Disputed Domain Name. Moreover, the Respondent does not accurately and prominently disclose its (absence of) relationship with the Complainant. As a result, the Respondent fails the so-called “Oki Data test” for legitimate resellers, distributors or service providers of the Complainant’s goods or services.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, 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 Respondent has used the Disputed Domain Name displaying both the Complainant’s THERMOMIX trademark and a picture of one of its products. In the Panel’s view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trademark and obtaining personal information from visitors. [WIPO Overview 3.0](#), section 3.1.4.

In the present case, the Panel finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the Disputed Domain Name as:

- the Complainant’s THERMOMIX trademark was registered more than 20 years prior to the Disputed Domain Name;
- the Disputed Domain Name resolves to a website displaying both the Complainant’s THERMOMIX trademark and seemingly one of the Complainant’s products.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the Disputed Domain Name aimed at creating a risk of affiliation with the Complainant to acquire personal information from visitors.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this affirms the Panel’s finding of the Respondent’s bad faith.

Based on the available record, 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 <thermomixdelights.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: April 18, 2025