

ADMINISTRATIVE PANEL DECISION

Vorwerk International AG v. pascal ranger

Case No. D2025-0804

1. The Parties

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

The Respondent is pascal ranger, France.

2. The Domain Name and Registrar

The disputed domain name <thermomixtech.com> is registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 26, 2025. On February 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 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 (UNKOWN (private services)) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 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 March 5, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2025. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent's default on April 7, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 11, 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 in this administrative proceeding, Vorwerk International AG, a Swiss company, is part of the Vorwerk Group.

According to the Complainant, in 2021, the Vorwerk Group generated a turnover of EUR 3.4 billion and has a global presence in over 60 countries. The core business of the Group is the direct sale of high-quality products including premium household appliances. Thermomix is a business division of Vorwerk, which is represented with its own subsidiaries in 16 countries in Europe, Asia, and North America. In 2021, Thermomix generated EUR 1,697 million in sales, and approximately 59,900 self-employed sales advisors and 5,200 employees work for Thermomix.

The Complainant has provided full listings of trademarks corresponding to and/or containing THERMOMIX, registered in jurisdictions around the world.

The Complainant has also provided a list of over three hundred domain names containing the THERMOMIX trademark.

The disputed domain name was registered on January 19, 2025. The disputed domain name resolves to a website where the THERMOMIX trademark as well as the image of the Complainant's Thermomix TM6 product are displayed.

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 addition in the disputed domain name of the term "tech" does not avoid confusion between the disputed domain name and the Complainant's trademark; that the Respondent's use of the disputed domain name to host a commercial website displaying the Complainant's trademark and product, in an attempt to impersonate the Complainant or at least to appear to be associated with the Complainant, does not give rise to rights or legitimate interests; and that bad faith registration and use should be found, since the Respondent has registered the disputed domain name and used on the corresponding website the Complainant's THERMOMIX trademark while aware of the Complainant's trademark rights, with the intent to take advantage of and capitalize on the Complainant's well-known trademark.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of 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 Panel finds the THERMOMIX mark is incorporated entirely and recognizable 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, "tech", 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 it is unclear whether the Respondent actually resells the Complainant's products, but the nature of the disputed domain name, coupled with a website that reproduces photos of the Complainant's products purporting to be offering them for sale, does not give in the circumstances of this case rights or legitimate interests to the Respondent. The lack of a prominent disclaimer stating the lack of affiliation with

the Complainant affirms the Panel's finding.

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, as discussed below, it is highly likely that the Respondent was aware of the Complainant's trademark registrations and rights to the THERMOMIX trademark when it registered the disputed domain name.

The disputed domain name contains in its entirety, without any relationship, authorization or approval by the Complainant, the Complainant's registered THERMOMIX trademark combined with the term "tech".

Owing to the substantial presence established, worldwide and on the Internet, by the Complainant, it is unlikely that the Respondent, apparently operating in the same field of activity, was not aware of the existence of the Complainant, or of the Complainant's trademark and domain names, when registering the disputed domain name.

In fact, the Complainant's THERMOMIX trademarks as well as the domain names comprising "thermomix" were registered many years before the Respondent registered the disputed domain name.

Noting also the composition of the disputed domain name, incorporating the Complainant's trademark with the additional descriptive term "tech", combined with the fact that on the Respondent's website the THERMOMIX trademark as well as the Complainant's Thermomix TM6 product are displayed and promoted, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the THERMOMIX trademark. The Panel is therefore satisfied that the Respondent has registered the disputed domain name in bad faith.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Further, by using the disputed domain name, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Finally, the bad faith registration and use of the disputed domain name are also affirmed by the fact that the Respondent did not deny the assertions of bad faith made by the Complainant in this proceeding.

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 <thermomixtech.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: April 25, 2025