

## **ADMINISTRATIVE PANEL DECISION**

Roppen Transportation Services Private Limited v. Günther Vogelpoel, CG Capital B.V.

Case No. D2025-1192

### **1. The Parties**

The Complainant is Roppen Transportation Services Private Limited, India, represented by Ira Law Firm, India.

The Respondent is Günther Vogelpoel, CG Capital B.V., Netherlands (Kingdom of the), represented by Chiever B.V., Netherlands (Kingdom of the).

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

The disputed domain name <rapido.com> is registered with Amazon Registrar, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 22, 2025. On March 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 24, 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 (Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 25, 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 25, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Response was filed with the Center on April 14, 2025.

The Center appointed John Swinson as the sole panelist in this matter on April 29, 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.

On May 8, 2025, the Panel issued a Procedural Order requesting further information from both parties, as discussed further below. The Respondent replied to the Procedural Order on May 14, 2025. The Complainant requested an extension to reply to the Procedural Order and replied on May 26, 2025.

#### **4. Factual Background**

The Complainant is a private company that is incorporated in India. According to information provided in the Complaint, the Complainant was incorporated on January 5, 2015.

The Complainant is a leading ridesharing platform in India. The Complainant provides bike taxis, auto rickshaws, and cab services across more than 250 cities in India. The Complainant facilitates more than 3.5 million daily rides. The Complainant primarily operates through its mobile applications which are available for download from various app stores, including the Google Play Store and the Apple App Store. The Complainant also provides information to its customers through its website located at the domain name <rapido.bike>. This domain name was registered by the Complainant on September 23, 2015.

The Complainant owns Indian trademark applications for RAPIDO in various classes and for a range of logos. An example is Indian Registration Number 5926068 for RAPIDO in class 39, that was filed on May 7, 2023. The Complainant claims a date of usage of this trademark of September 30, 2015.

The disputed domain name was registered on May 4, 1995.

According to the Registrar's records, the disputed domain name is owned by the Respondent.

The Respondent is incorporated in the Netherlands. Apparently, the Respondent changed its name to Recharge.com Capital B.V. on March 5, 2021.

The Respondent operates business-to-consumer prepaid payment platforms for digital gift cards, mobile telephone service top-ups and payment cards. The Respondent launched its first brand Beltegoed.nl in the Netherlands in 2010, followed in 2012 by Recharge.fr in France, Guthaben.de in Germany, and Mobiletopup.co.uk in the United Kingdom.

The Respondent acquired the disputed domain name in November 2014 (from the prior registrant, RapidolInternet of Florida) with a view of using it for the launch of a new storefront under the brand RAPIDO for the offering of gift cards, mobile top-ups & payment cards. Preparations were made to launch this online store front, and a website at the disputed domain name was launched in early 2019.

A company named Top Up B.V. from the Netherlands owns a portfolio of trademark registrations for RAPID, including, for example, Australian Trademark Registration Number 1993091 that has a priority date of April 30, 2018, and that was entered on the register on September 8, 2020.

Top Up B.V. changed its name to Recharge.com International B.V. on March 5, 2021. Recharge.com International B.V. is claimed by the Respondent to be a full subsidiary of CG Holding B.V.

In 2022, the Respondent phased out its RAPIDO brand and shifted focus to its brand RECHARGE.COM, active under the website at the domain name <recharge.com>. The Respondent redirects the disputed domain name to <recharge.com>. It is asserted by the Respondent that <recharge.com> is also owned by the Respondent.

It is also asserted by the Respondent that the Respondent is a full subsidiary of CG Holding B.V.

## **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 its RAPIDO trademark has been continuously, extensively and exclusively used by the Complainant in India since 2015 and has become a household name inter alia with respect to providing app-based transport solutions in India. Between April 1, 2023 and March 31, 2024, there were 170 million average quarterly unique visitors to the Complainant's website at <rapido.bike>. The Complainant's customer app has been downloaded more than 100 million times from the Google Play Store since being released on September 30, 2015. RAPIDO is a recognised, well-known trademark of the Complainant.

The Complainant has not in any way authorized, licensed, or otherwise permitted the Respondent to use its well-known trademark RAPIDO or to register any domain name incorporating this trademark. The Respondent is not affiliated or related with the Complainant. The Respondent thus cannot be permitted to use RAPIDO in the disputed domain name as it is identical to Complainant's registered and well-known trademark. Such use by the Respondent is false and only meant to deceive consumers.

From the printouts available on Web Archive, it is evident that while the disputed domain name may have been initially used for legitimate purposes, it was later parked and now only redirects to another website. This demonstrates that the Respondent has no legitimate use of the disputed domain name.

The website at the disputed domain name does not contain any legitimate content. The disputed domain name merely redirects to another website, whose products and services have no relation to the Complainant.

The Complainant has also recently received a communication through LinkedIn's messaging platform to one of its representatives from an individual claiming to be the Respondent and stating that such person is willing to transfer the disputed domain name to the Complainant for USD 1 million.

The Respondent undoubtedly had active knowledge of the Complainant's rights in the trademark RAPIDO, as is evident from the communication outreach made to the Complainant's representative to sell the disputed domain name for an extortionist amount of USD 1 million.

There can be no plausible explanation for the registration and use of the disputed domain name by the Respondent because RAPIDO is an invented word in the English language and exclusively used by the Complainant for its products and services.

In response to the Procedural Order, the Complainant further submits that the Respondent did not provide any evidence of its intent when it acquired the disputed domain name. The Respondent's affiliate company Top Up B.V. filed for its RAPIDO trademarks in 2018 which is after the Complainant had commenced operations and become widely known. Moreover, the Respondent provided no evidence of a license from the Top Up B.V. to the Respondent authorizing the Respondent to use RAPIDO.

The Respondent's evidence of use of the disputed domain name from 2019 to 2022 is only a single screenshot.

The Respondent has also not provided any explanation for why they chose to acquire and continue to maintain a domain name containing the mark RAPIDO, whereas admittedly the Respondent's allegedly successful brand was recharge.com.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the second and third elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent contends that the Respondent acquired the disputed domain name before the Complainant was incorporated. The Respondent could not have acquired the disputed domain name in bad faith in such circumstances.

The Respondent acquired the disputed domain name with a view of using it for the launch of a new storefront under the brand RAPIDO for the offering of gift cards, mobile top-ups and payment cards.

The word “rapido” is Italian for “rapid, fast or quick”. The generic character and descriptive meaning of the word “rapido” gave Respondent a legitimate interest in acquiring the disputed domain name. The word immediately describes crucial characteristics of Respondent’s RAPIDO branded services, namely rapid, fast, and quick access to gift cards, mobile top-ups, and payment cards.

The Respondent used the disputed domain name for the bona fide offering of its services from 2019 to 2022.

The Complainant and the Respondent offer completely different services, namely taxi services versus the offering of gift cards, mobile top-ups and payment cards. Clearly the Complainant and the Respondent are not competitors, and the disputed domain name was not registered by the Respondent to disrupt the Complainant’s business, nor to misleadingly divert consumers for commercial gain or to tarnish the Complainant’s trademarks.

With Respondent’s brand RAPIDO phased-out and the disputed domain name currently only used to redirect traffic to <recharge.com>, the Respondent recently reached out to the Complainant to investigate if there was an interest to investigate the business opportunity of purchasing the disputed domain name.

The sale of a domain name is not inherently in bad faith, provided that the Respondent neither knew nor should have been deemed to know of a relevant trademark in which the Complainant had rights, and that the Respondent did not register the domain name with the intention of unfairly benefiting from the goodwill associated with those rights.

In response to the Procedural Order, the Respondent provided evidence to demonstrate the date that the Respondent acquired the disputed domain name (being November 2014).

The Respondent also stated that individual who offered the disputed domain name for sale is shareholder of CG Holding B.V.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants and respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence.

In the present case, despite the issuance of a Procedural Order, some of the facts are unclear. For example, the Respondent filed submissions under the apparent misapprehension that the Respondent is CG Holding B.V., which is not the case. Moreover, some Respondent corporate group members have changed their names, but have not updated Trademark Office or domain name registrar records to reflect these changes of names. This is unhelpful. However, the Panel believes that the key facts in this dispute are sufficiently clear to reach the decision set out below.

### **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 Respondent does not contest the first element of the Policy.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

In view of the Panel's findings under the third element of the Policy, the Panel does not need to consider the second element of the Policy.

### **C. Registered and Used in Bad Faith**

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Respondent provided evidence that the Respondent acquired the disputed domain name in November 2014. The Complainant was established on January 5, 2015 and claims first use of its RAPIDO trademark in September 2015. The Complainant does not dispute that the Respondent registered the disputed domain name before the Complainant had acquired trademark rights, and the Complainant does not make any submission as to whether the Respondent registered or acquired the disputed domain name in anticipation of the Complainant's trademark rights (and does not provide any evidence in this regard).

In the Procedural Order, the Complainant was given the opportunity to provide further evidence as to the Complainant's reputation on or before the date the Respondent acquired the disputed domain name. The Panel noted in the Procedural Order that the Respondent had submitted that the Complainant was not

incorporated when the Respondent acquired the disputed domain name. The Complainant provided no such evidence in response to the Procedural Order.

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no trademark rights or nascent trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), sections 3.8.1 and 3.8.2.

In short, the Complainant must prove both bad faith registration and bad faith use. For example, if the Respondent registered a domain name without any bad faith, and later learned of the Complainant's trademark, and then offered to sell the domain name to the Complainant at a profit, the consensus view of panelists is that this does not satisfy the third element of the Policy. *Xbridge Limited v. Marchex Sales, Inc.*, WIPO Case No. [D2010-2069](#).

The Panel also refers to *Alpha Ladder Finance Pte. Ltd. v. Joanna, Metacomp, Inc.*, WIPO Case No. [D2025-1451](#), and the cases cited therein in relation to bad faith registration.

The Panel finds the third element of the Policy has not been established.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

/John Swinson/

**John Swinson**

Sole Panelist

Date: May 30, 2025