

ADMINISTRATIVE PANEL DECISION

Axpo Holding AG v. Name Redacted

Case No. D2025-1354

1. The Parties

The Complainant is Axpo Holding AG, Switzerland, represented by Fidus Law Chambers, India.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 3, 2025. On April 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 4, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 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 April 11, 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”).

¹ The Respondent appears to have used the name and/or contact details of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 6, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on May 9, 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 large Swiss-based company offering services in the field of energy production, financing and trade. It operates over 100 power plants in Switzerland. Internationally, the Complainant focuses on wind power and solar energy.

The Complainant owns numerous registrations for the trademark AXPO, inter alia, the Swiss Trademark No. 468939, registered on January 26, 2000, for classes 4, 11, 35, 36, 37, 38, 39, 40, 41, and 42 and the International Trademark No. 729075 registered on January 26, 2000, for classes 4, 11, 35, 36, 37, 38, 39, 40, 41, and 42, designating the European Union and several other countries.

The Complainant also holds several domain names, including the domain name <axpo.com>.

The disputed domain name was registered on November 4, 2024. The disputed domain name resolves to a website where the company name "AXPO UKRAINE LLC" with its postal address in Kyiv, Ukraine are being displayed (said name and address used by the Respondent on its website is identical to the Complainant's subsidiary named AXPO UKRAINE LLC address in Ukraine). The website contains the following message in the Ukrainian language: "For you and your business! We are AXPO UKRAINE LLC, a company specializing in business development and support. Our mission is to provide professional services and tools to improve your business. Trust us with your success!"

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.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which a complainant must satisfy in order to succeed. The Complainant must satisfy that:

- (i) the 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 such domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

6.1 Preliminary Matters

The Panel notes that no communication has been received from the Respondent. However, given that the Notification of Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the Rules to “employ reasonably available means calculated to achieve actual notice”.

In this regard, the Panel notes that the registration details for the disputed domain name show information corresponding to the Complainant's subsidiary in Ukraine. The Panel considers that the appearance of the Ukrainian postal address is likely the result of the use of the Complainant's subsidiary details, which would further corroborate the Respondent's bad faith. However, even assuming that the Respondent's postal address is indeed in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, the Panel would then proceed to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue. Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel notes that the Center has sent the Notification of Complaint by email to the Respondent to the email address as registered with the Registrar, as well as the email address available on the website at the disputed domain name. The Panel also notes that the contact details available on the website at the disputed domain name feature a phone number which includes the country code of the United Kingdom, which might suggest that the Respondent is not actually located in Ukraine. Further, the Respondent apparently registered the disputed domain name as recently as November 2024 and thus would appear to be capable of controlling the disputed domain name and the related content and it would have been able to formulate and file a Response if it wished to do so.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of a Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

Lastly, the Complainant has selected as the mutual jurisdiction the courts at the location of the principal office of the concerned Registrar, such courts not being subject to an international conflict and thus the Panel finds that proceeding with this Decision does not preempt the Respondent from asserting its rights under paragraph 4(k) of the Policy to submit this dispute to the courts at the applicable mutual jurisdiction. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

6.2 Substantive Issues

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.

Although the addition of other terms like “ukraine” 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 finds the disputed domain name carries a risk of implied affiliation with the Complainant. The composition of the disputed domain name, comprising the Complainant’s trademark in its entirety and the addition of the geographic term “ukraine” where the Complainant has an office in addition to the content of the disputed domain name signals the Respondent’s intention to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. In this regard, the Panel notes further that the registrant organization identified in the registration details of the disputed domain name is “AXPO UKRAINE LLC”, however, there is no evidence before the Panel that the Respondent is actually commonly known by the disputed domain name or “AXPO UKRAINE LLC”. Rather, it appears most likely that such details were specifically chosen to falsely suggest an affiliation with the Complainant.

Panels have held that the use of a domain name for illegitimate activity like impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 was aware of the Complainant since it included on the website the name of the local subsidiary of the Complainant and its address in Ukraine.
- The trademark of the Complainant has been registered and in use for more than 25 years.
- The disputed domain name was registered on November 4, 2024.

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.

Panels have held that the use of a domain name for illegitimate activity like impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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

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 <axpoukraine.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: May 23, 2025