

## **ADMINISTRATIVE PANEL DECISION**

Phoenix Contact GmbH & Co. KG v. ma ki, done stell, Gr Ave 553  
Case No. D2025-1412

### **1. The Parties**

The Complainant is Phoenix Contact GmbH & Co. KG, Germany, represented by Taylor Wessing Partnerschaftsgesellschaft mbB, Germany.

The Respondents are ma ki, Hong Kong, China, done stell, Hong Kong, China, Gr Ave 553, United States of America.

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

The disputed domain names <phoenixbizs.link>, <phoenixcity.site>, and <phoenixhub.info> are registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 8, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 9, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Center on April 10, 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 Respondents of the Complaint, and the proceedings commenced on April 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 7, 2025.

The Center appointed Jonas Gulliksson as the sole panelist in this matter on May 12, 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 German company and the worldwide market leader of components, systems and solutions in the area of electrical engineering, electronics and automation. Altogether, the Complainant employs around 21,000 people worldwide and its products and services are available in more than 100 countries - through a broad network of subsidiaries and distribution partners.

The Complainant is the owner of the company name PHOENIX CONTACT and is the proprietor of several trademark rights, which include inter alia:

- International Registration No 1125907 for the word mark PHOENIX CONTACT (registered on October 28, 2011).

At the time of filing the Complaint, the disputed domain names referred to a website where Internet users were requested to enter their data like mobile number and password.

#### **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 names.

Notably, the Complainant contends that it holds extensive and longstanding rights in the trademark PHOENIX CONTACT, which has been used continuously and prominently since at least 1982 in Germany and globally. As one of the leading companies in the field of electrical engineering, the Complainant operates internationally and has established significant goodwill and reputation through the consistent use of its house mark PHOENIX CONTACT. In 2023 alone, the Complainant generated annual revenues of approximately EUR 3.5 billion, underscoring its strong market position and commercial reach. The brand is widely recognized and respected by consumers and professionals alike, who associate PHOENIX CONTACT with reliability, quality, and technical innovation. The Complainant's trademark is not only well-known but enjoys a high degree of distinctiveness due to decades of extensive commercial use and brand-building efforts.

The Complainant asserts that the domain names <phoenixhub.info>, <phoenixcity.site>, and <phoenixbizs.link> are confusingly similar to its registered and well-known trademark. Each of the domain names incorporate the term "phoenix," which is the dominant and distinctive element of the Complainant's trademark PHOENIX CONTACT. The suffixes "hub," "city," and "bizs" are non-distinctive in trademark terms. As such, they do not serve to differentiate the domain names from the Complainant's trademark and are instead likely to reinforce the misleading impression that the domain names are affiliated with or endorsed by the Complainant. The overall impression created is one of direct association with the Complainant.

The Complainant further argues that the Respondents have not only registered the domain names in bad faith but have also used them in a deceptive and unlawful manner. The websites associated with the domain names have been deliberately structured to resemble the Complainant's official Phoenix Contact websites. The Complainant's protected company logo is prominently displayed, reinforcing the visual impression that these are authorized platforms. Internet users visiting these websites are invited to enter login information, including mobile numbers and passwords, under the false pretence of accessing legitimate Complainant services. The Complainant contends that this conduct constitutes a targeted phishing scheme, aimed at collecting sensitive information from its customers for dishonest or fraudulent purposes.

The Complainant also emphasizes that the Respondents lack any rights or legitimate interests in the domain names. There is no evidence that the Respondents are commonly known by the name "phoenix" or have been authorized, licensed, or otherwise permitted to use the PHOENIX CONTACT trademark or any variation thereof. The use of the Complainant's mark to attract users under false pretences and for potentially malicious purposes cannot constitute a bona fide offering of goods or services or any legitimate non-commercial use.

The pattern of conduct — including the registration of multiple, similarly constructed domain names that reference the Complainant's mark, the replication of the Complainant's branding and website design, and the request for sensitive login credentials — supports a finding of bad faith under paragraph 4(b) of the Policy. The Complainant asserts that the Respondents intentionally sought to create confusion with its well-known mark in order to divert users for commercial gain or other improper purposes. Furthermore, the Respondents' use of a privacy or proxy service to conceal their identity reinforces the inference of bad faith.

In light of these facts, the Complainant contends that the Respondents' registration and use of the domain names falls squarely within the scope of bad faith under the Policy. The Respondents' actions constitute an unlawful and unauthorized attempt to exploit the Complainant's reputation and trademark rights, deceive consumers, and gain an unfair advantage through association with the Complainant's brand. Accordingly, the Complainant respectfully requests that the domain names be transferred to it pursuant to paragraph 4(a)(iii) of the Policy.

## **B. Respondents**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy requires the Complainant to prove all three of the following elements:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied. Before doing so, the Panel will address the consolidation.

### **Consolidation: Multiple Respondents**

The amendment to the Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes the following:

- 1) the disputed domain names <phoenixhub.info> and <phoenixcity.site> resolve to identical websites, including the Complainant's logo, layout, and login functionalities, which indicates they are operated by the same person or entity;
- 2) All three disputed domain names were registered through the same Registrar, using incomplete or fictitious contact details;
- 3) The disputed domain name <phoenixbizs.link> also lacks a named registrant and contains an address that does not correspond to a real location. This disputed domain name follows a similar registration pattern; and
- 4) The Complainant contends, and the Panel accepts in the absence of contrary evidence, that the use of false or unverifiable registrant data and multiple pseudonyms indicates an effort to conceal identity and circumvent enforcement.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

#### **A. Identical or Confusingly Similar**

It is well established that the first element of the Policy 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 names ([WIPO Overview 3.0](#), section 1.7).

In this case, the Complainant has demonstrated rights in a trademark for the purposes of the Policy ([WIPO Overview 3.0](#), section 1.2.1). It is clear that the disputed domain names are not identical to Complainant's trademarks. However, the disputed domain names may nonetheless be confusingly similar with Complainant's trademark.

Given the descriptive nature of the word element "contact", the Panel has no difficulties finding that the term PHOENIX is the most distinctive element of the Complainant's earlier trademark.

The disputed domain names incorporate the term PHOENIX in its entirety. The Complainant's trademark, PHOENIX CONTACT, is therefore partially embodied in the disputed domain names.

The Complainant further argues that the actual use of the websites should be taken into account. While, as stated in section 1.15 of the [WIPO Overview 3.0](#), website content is generally disregarded when assessing confusing similarity, it may be considered in close cases to help determine whether a respondent is targeting the complainant's mark. The Panel agrees with this approach and, consistent with the reasoning in *ADDINOL Lube Oil GmbH v. DIGITAL MARKETING, STRABONET*, WIPO Case No. [D2024-0257](#), finds it appropriate to take into consideration the content of the websites in this instance.

Here, the evidence presented demonstrates that the Respondent's websites closely emulate the Complainant's branding, including the use of similar color schemes and a layout designed to solicit user credentials. These elements reinforce the overall impression that the websites are linked to or endorsed by the Complainant, thereby increasing the likelihood of confusion between the disputed domain names and the Complainant's trademark, as also further discussed under the "Registered and Used in Bad Faith"- section of this decision.

Accordingly, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark, thereby satisfying the first element of the Policy.

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

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (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 the Respondent 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.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name. While 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 often-impossible 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.

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.

The Respondent registered the disputed domain names well after the Complainant began using its trademark and also well after the Complainant registered its trademark.

The Complainant states that it has not authorized the Respondent to use the disputed domain names. Nor is the Respondent affiliated with it.

In these circumstances, the use of the disputed domain names to misrepresent that the Respondent is the Complainant or that the Respondent's goods are the goods of or associated with the Complainant does not qualify as an offering of goods or services in good faith for the purposes of the Policy. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

## **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.

The Panel finds that the Complainant has established that the disputed domain names were registered and used with the intent to mislead Internet users regarding the commercial origin of the associated websites. The manner in which the disputed domain names are used creates the false impression that the Respondent is operating authorized websites with the Complainant's consent. Moreover, the websites solicit personal information from users, raising serious concerns about potential misuse.

Panels have consistently held that the use of domain names in connection with unlawful activities—such as phishing and impersonation—constitutes evidence of bad faith registration and use ([WIPO Overview 3.0](#), section 3.4). Upon review of the case record, the Panel concludes that the Respondent's conduct in registering and using the disputed domain names amounts to bad faith under the Policy.

The Panel thus has no difficulty in concluding that the third element of the Policy has been met.

## 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 names <phoenixbizs.link>, <phoenixcity.site>, and <phoenixhub.info> be transferred to the Complainant.

*/Jonas Gulliksson/*

**Jonas Gulliksson**

Sole Panelist

Date: May 26, 2025