

ADMINISTRATIVE PANEL DECISION

ZÖLD-VILÁG 2000 Kft. v. Karch Kreitz

Case No. D2025-1913

1. The Parties

The Complainant is ZÖLD-VILÁG 2000 Kft., Hungary, represented by Komor Hennel Attorneys, Hungary.

The Respondent is Karch Kreitz, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <traubi.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 2005, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 May 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Response was filed with the Center on June 4, 2025. The Complainant sent a supplemental filing to the Center on June 13, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on June 13, 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 June 19, 2025, the Panel issued Administrative Panel Procedural Order No. 1 to the Parties, in which the Panel noted that it had performed limited Internet research concerning the Respondent's claim of prior use of the disputed domain name for certain personal family purposes and had identified archived versions of the website associated with the disputed domain name indicating that it was used for a website incorporating a blog by certain people sharing the Respondent's family name which contained an indication of additional archived entries for said blog dating to July 2009. The Panel invited the Parties to comment upon this matter.

Additionally, the Complainant was invited to produce, by June 24, 2025, independent evidence of the extent to which its TRAUBI trademark was used and known in the United States and/or any evidence indicating that such mark would have come to the attention of the Respondent as of the date when the disputed domain name was registered. The Respondent was invited to produce, by June 24, 2025, independent evidence supporting its claim that, in the German language, the word "traubi" is a version of the German word "traube" meaning "grape", such evidence being at minimum a relevant extract for "traubi" from an official German dictionary (with translation), or a German to English dictionary, or a statement to this effect from a fluent German speaker, who is a certified translator or similar authority in the German language.

The Respondent was also invited to provide an explanation of the nexus between any such German word "traubi" and the Respondent and/or the Respondent's family, as of the date of registration of the disputed domain name, with suitable evidence where appropriate for the Respondent's choice of the disputed domain name (given that "traubi" did not appear to be the Respondent's family name). The Parties were invited to comment upon their respective submissions, if any, on or before June 27, 2025, and the due date for the Decision was extended to July 4, 2025. The Complainant replied to Procedural Order No. 1 on June 19, 2025, and the Respondent did not reply before the deadline of June 24, 2025. The Respondent issued comments (effectively including a reply to the Panel's requests after the deadline of June 24, 2025) on June 27, 2025.

4. Factual Background

The Complainant is a limited liability company with a place of business in Hungary. The Complainant provided no evidence or submissions regarding its business activities, other than that it owns certain trademarks noted below which relate to fruit juices and/or wines diluted with soda. The Complainant provided no evidence as to the history of the use of these marks and/or the jurisdictions in which it has provided goods to which the mark has been applied.

The Complainant is the owner of the following registered trademarks for the mark TRAUBISODA:

(1) International Registered Trademark Number 218017 for the word mark TRAUBISODA, registered on March 9, 1959 in Classes 32 (Fruit juice diluted with soda) and 33 (Wines diluted with soda). The designation status of this mark is somewhat complex, due in part to its age. As far as the Panel can tell, the mark has been designated at different times for the country/territory codes: BX, CH, CS, DD, DE, DT, EG, ES, FR, HR, HU, IT, LI, MA, MK, PT, RO, RS, SI, TN, and YU. However, the designations in respect of BX, CH, DE, EG, ES, FR, HR, IT, LI, MA, MK, RO, SI, TN, and YU appear to have been assigned in 1999 to International Registered Trademark Number 218017A, which mark is no longer in force. Consequently, it appears that the only remaining designated country codes are CS and HU. Of these, only HU is showing as having been renewed, in 1999, 2009, and 2019 respectively. It should be noted that the country where the Respondent is based, namely the United States, is not and has never been designated in respect of this mark.

(2) Hungarian Registered Trademark Number 139355 for the word mark TRAUBISODA, registered on April 7, 1993 in Classes 32 (Fruit juices) and 33 (Wine (wine spritzer)).

(3) Hungarian Registered Trademark Number 166595 for the figurative mark TRAUBISODA, registered on September 6, 2001 in Class 32 (Non-alcoholic beverages; fruit drinks and fruit juices; syrups and other preparations for making beverages).

(4) Hungarian Registered Trademark Number 161353 for the figurative mark TRAUBISODA, registered on July 19, 2000 in Class 32 (Non-alcoholic beverages; fruit drinks and fruit juices; syrups and other preparations for making beverages).

(5) Hungarian Registered Trademark Number 166594 for the figurative mark TRAUBISODA, registered on September 6, 2001 in Class 32 (Non-alcoholic beverages; fruit drinks and fruit juices; syrups and other preparations for making beverages).

The Complainant is the owner of the following registered trademark for the mark TRAUBI:

Hungarian Registered Trademark Number 161352 for the word mark TRAUBI, registered on July 19, 2000 in Class 32 (Non-alcoholic beverages; fruit drinks and fruit juices; syrups and other preparations for making beverages).

In response to Procedural Order No. 1, the Complainant provided details of United States Registered Trademark Number 2660013, for the word mark TRAUBISODA, registered on December 10, 2002. Said mark was later cancelled on July 18, 2009. The owner of this mark was a Hungarian corporation named Rathonyi Kft. The Panel does not know whether this entity is or was the Complainant's affiliate or predecessor in interest. The statement of use dated July 30, 2002 provided by said corporation in support of its application for said mark stated that said mark was being used in commerce in connection with nonalcoholic fruit drinks and lemonades, was first used in connection with such goods on September 8, 1957, and was first used in international commerce with the United States at least as early as April 25, 2001.

The Complainant asserts that its trademarks are well-known but provides no evidence to support this.

The disputed domain name was registered on June 20, 2004. Little is known of the Respondent other than that it appears to be a private individual with an address in the United States. As of the date of this Decision, there is no website associated with the disputed domain name. The nameservers delegated by the disputed domain name do however have associated Mail Exchange ("MX") records, indicating that email can be received by the disputed domain name. As indicated in Procedural Order No. 1, the Panel researched the disputed domain name on the Internet Archive "Wayback Machine" and noted that it appears to have been used for a website incorporating a blog by certain people sharing the Respondent's family name, containing an indication of additional archived entries for said blog dating to July 2009.¹

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 incorporates its TRAUBI registered trademark with no additional distinguishing elements, the inclusion of the domain name suffix not affecting the assessment of confusing similarity. The Complainant submits that there is neither any evidence that the disputed domain name has been used for a bona fide offering of goods or services, nor that the Respondent is commonly known by the disputed domain name, nor any other evidence of rights or legitimate interests on

¹With reference to the Panel conducting independent research of publicly available sources, see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.8.

the Respondent's part, adding that the Respondent has not been authorized or licensed by the Complainant to use its trademarks.

The Complainant contends that the disputed domain name has "been abandoned for an extended period and may never have been used" adding that passive holding of a domain name can demonstrate bad faith under certain circumstances. The Complainant also submits that the Respondent is preventing the Complainant from reflecting its marks in the disputed domain name, and that there is no evidence that the Respondent has used or prepared to use the disputed domain name in a bona fide manner.

B. Respondent

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

The Respondent asserts that "traubi" is a version of "traube" or "trauben", being the German word for "grape", adding that this is not associated with the Complainant in most of the world as its product was sold primarily in Hungary, Austria, and Croatia, and that it is not a distributed brand in the United States or other international markets. The Respondent states that the Complainant is free to use certain country code Top-Level domain names, such as <traubi.hu>, <traubi.au>, or <traubi.hr> (by which the Panel thinks the Respondent means <traubi.at> rather than <traubi.au>), to market and sell its grape-flavored soda, due to the regional nature of the product's distribution. The Respondent adds that it is unaware of the Complainant's current sales territories for its product.

The Respondent contends that it should be considered to have rights and legitimate interests in the disputed domain name as it has used it since 2004 for personal family email and as a personal family document repository, adding that it has never been challenged over the use of this name, and that the disputed domain name was available and free of ownership issues when registered, there being no products with a similar name produced over the time period of the Respondent's ownership. The Respondent asserts that it is making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark at issue.

The Respondent submits that it did not acquire the disputed domain name primarily to sell it to the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs relating thereto, and that the disputed domain name was not registered to prevent the Complainant from reflecting its mark in a corresponding disputed domain name, adding that the Respondent has not engaged in a pattern of such conduct, the Parties are not competitors and the disputed domain name was not registered to disrupt the Complainant's business. The Respondent asserts that the disputed domain name was not registered in an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation or endorsement of a product or service on the Respondent's website.

The Respondent points out that its ownership and use of the disputed domain name extends over a 20 year period, during which the Complainant's trademark has changed hands multiple times, adding that it is the Complainant's burden of proof to evidence that the dispute is supported by appropriate facts, and also that the requested remedy is appropriate.

C. Complainant's supplemental filing

In its supplemental filing, the Complainant asserts (without evidence) that "traubi" is not a dictionary word but a fictional term and a distinctive, existing and valid trademark with an obvious confusing similarity to or identity with the disputed domain name, adding that global recognition of the mark is not required for a finding of confusing similarity. The Complainant asserts that the Respondent's claimed personal use does not create rights under the Policy where the disputed domain name corresponds to a registered and distinctive trademark, adding that the Respondent is not commonly known as "traubi" and has shown no public-facing use or legitimate activity. Finally, the Complainant asserts that the passive holding of the

disputed domain name over many years with no demonstrable use supports a finding of bad faith, adding that the claim of delay in enforcement is not a valid defense under the Policy.

D. Complainant's supplemental filing in response to Procedural Order No. 1

With regard to the awareness and recognition of the TRAUBI and related marks in the United States at the time when the disputed domain name was registered, the Complainant submits that the trademark TRAUBISODA, under which the Complainant also commercializes its products, was registered with the United States Patent and Trademark Office on December 10, 2002, and was in full force when the disputed domain name was registered. The Complainant asserts that this supports the conclusion that the TRAUBI and TRAUBISODA brand had begun to extend its protection and potential commercial footprint beyond Hungary and into the United States.

The Complainant asserts that the Respondent's first name is a diminutive of a name which is uniquely Hungarian, strongly suggesting that the Respondent has Hungarian heritage. The Complainant submits (without evidence) that the Respondent's available online information suggests that it has strong Hungarian roots, adding that the longstanding presence and iconic status of the TRAUBI and TRAUBISODA brands in Hungary dating back to the 1960s, widely recognized among Hungarian consumers, means that it is reasonable to infer that the Respondent was aware of the Complainant's marks when registering the disputed domain name. The Complainant contends that this reasoning is particularly strong in light of the Respondent's apparent lack of any rights or legitimate interests in the name "traubi". The Complainant concludes that given that the Respondent was aware of the TRAUBI brand's strong reputation in Hungary and has had no legitimate interest in the name at the time of registration, nor at any point since, the disputed domain name was registered in bad faith.

E. Respondent's supplemental filing in response to Procedural Order No. 1

The Respondent contends that a finding of bad faith cannot be inferred from the heritage of a person's name, adding that even if the Respondent had tangential awareness of a particular historical product, it is unlikely that a person seeking a domain name for personal use would conduct a search of registration records when choosing and registering a readily available domain name, and that the lack of due diligence supports the contention that the name was never intended to be used for commercial purposes, evidencing an absence of bad faith. With regard to the Complainant's submissions as to the TRAUBISODA trademark in the United States, the Respondent asserts that even if it had searched for "traubi", bearing in mind that this was the early days of the Internet, the specific trademark would not have been disclosed, adding that the Complainant provides no evidence of marketing spend, advertising, or sales. The Respondent asserts that said mark was not used or known in the United States at that time or now, adding that the trademark registration was cancelled in 2009, evidencing no intent for the Complainant's use of said mark.

The Respondent submits (without evidence) that many German words, while not in the dictionary, are used in a diminutive or nickname form by adding the letter "i", as is the case with many languages, noting the examples "Schatzi" as a diminutive of "Schatz", meaning treasure or darling, "Schnucki" for someone who is doted upon, and "Mausi" as a nickname for "mouse", used to refer to someone who is sweet and tiny.

The Respondent asserts that it picked the disputed domain name because it was cute-sounding, short, available, and provided a fun tone for its family website where information and stories were shared between family members.

The Respondent concludes that the Complainant has not successfully supported all required elements of the Policy.

6. Discussion and Findings

6.1 Preliminary issue – Complainant’s supplemental filing

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. Panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some “exceptional” circumstance). [WIPO Overview 3.0](#), section 4.6.

In the present case, the Panel is content to admit the Complainant’s supplemental filing on the basis that it would not necessarily have been able to anticipate the nature of the Respondent’s defense in this case, notably the Respondent’s assertion that the word “traubi” is a variant of the German word “traube”, meaning “grape”, and that it has registered and used the disputed domain name for family email and a family document repository. Furthermore, both of the Parties have been afforded the opportunity to comment upon the submissions of the other in response to Procedural Order No. 1, noting that although the Respondent’s answer to the direct questions posed by the Panel was received late, it was received in the overall timeframe provided by Procedural Order No. 1, and the Complainant did not seek to have any further comments received late.

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 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 to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable Top-Level Domain in a domain name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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

B. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel’s findings in connection with the third element assessment under the Policy, no good purpose would be served by addressing the issue of the Respondent’s rights or legitimate interests in the disputed domain name.

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.

Bad faith under the UDRP is typically understood to occur where a respondent intentionally takes unfair advantage of or otherwise abuses a complainant's mark by way of the domain name concerned, sometimes described as "targeting" such mark. Both registration in bad faith and use in bad faith must be made out to the Panel's satisfaction. The relevant date for the assessment of registration in bad faith is the date of registration/acquisition of the disputed domain name by the Respondent, namely in the present case, June 20, 2004.

There are considerable problems for the Complainant's case arising from the lack of evidence which it has presented. The only documentary evidence provided with the Complaint consisted of the Complainant's representatives' Power of Attorney, the registration agreement for the disputed domain name, a copy of the Policy, and copies of the Complainant's trademark certificates. The Complainant proceeded to assert that its mark is well-known without providing any supporting evidence whatsoever. Indeed, had it not been for the Respondent's submissions in the Response, the Panel would not have known that the mark represents a product which (the Respondent states) was sold primarily in Hungary, Austria, and Croatia. Even assuming that the Respondent is correct in that statement, the extent to which such product was sold, advertised, marketed, and generally known among the consuming public has not been evidenced by the Complainant. All that the Panel knows is that the Complainant's mark is of a longstanding nature, dating back to the 1950s, at least in Hungary.

How, therefore, could the Respondent be said to be targeting the Complainant's mark? The Complainant indicates that this is possible because the Respondent appears to be of Hungarian heritage, bearing in mind the Hungarian links to the TRAUBI or TRAUBISODA marks, and furthermore that the product was being marketed in the United States under such mark, based upon the existence of a now-canceled United States trademark, at the time when the disputed domain name was registered. However, while it is clear that a third party, which may or may not be related to the Complainant, had registered a trademark in the United States at the material time and had asserted in its Statement of Use that the mark had been in use in that territory since 2001, there is no evidence of the extent to which products were being marketed or sold under such mark whereby they might have come to the Complainant's attention by the time it registered the disputed domain name in 2004.

The Respondent presents an alternative explanation that it selected the disputed domain name in 2004 as a "cute" sounding name for a family website based on a diminutive in the German language. The Panel notes in passing that the evidence supports the fact that the disputed domain name, while presently passively held, was actually put to the use concerned. The question for the Panel, however, is whether the Complainant has proved that the Respondent registered the disputed domain name because it knew of, and intended to target, the TRAUBI or TRAUBISODA trademarks at the material time, its subsequent family use being merely pretextual or a convenient way to hold the disputed domain name while waiting for an opportunity to exploit its value as a trademark term to the Complainant and/or its predecessor in interest.

The Panel has concluded that there is insufficient evidence of such targeting and intended unfair exploitation in the present case. The Panel would have liked better evidence regarding the diminutive status of the word "traubi" in the German language, and indeed, the Panel requested suitable evidence to that effect in Procedural Order No. 1, although it accepts the validity of the examples given by the Respondent where the addition or substitution of the letter "i" has created genuine diminutives to which "traubi" might be similar. Is this genuinely the basis on which the Respondent selected the disputed domain name? The Panel does not know but must acknowledge that while no nexus has been demonstrated between such word and the Respondent or its family, it is not wholly implausible (particularly in light of the absence of evidence of the distinctiveness and fame of the Complainant's mark) that this might have been selected as a "cute" name for a family website.

The Complainant attempts to cast doubt on the Respondent's account by pointing out (without supporting evidence) that the Respondent's name is of Hungarian heritage. This, on its own, does not mean that the Respondent was necessarily targeting the trademark value of TRAUBI. Crucially, while the mark clearly has a Hungarian connection and is of a longstanding nature, there is no evidence on the record as to its notoriety or fame either among Hungarians, persons of Hungarian origin, or persons in the United States, where the Respondent is based. The Complainant attempts to show that a person in the United States might have known of the mark in 2004 but this evidence is weak, consisting only of the existence of a now-cancelled trademark in the name of a third party which contains a statement of use as of April 2001. Notably, the extent of such use in the United States has not been evidenced in any way, nor has the relationship between that trademark owner and the Complainant. In the absence of anything more from the Complainant, the Panel accepts the Respondent's submission that it would have been difficult for it to have identified this trademark at the time when the disputed domain name was registered, this being in the relatively early days of the commercial Internet.

Finally, the length of time that the disputed domain name has been in existence is of some significance. While mere delay between the registration of a domain name and the filing of a complaint neither bars a complainant from filing such case, nor from potentially prevailing on the merits (see: [WIPO Overview 3.0](#), section 4.17), had the Respondent's actions in the present case been trademark-abusive in intent, it has played what appears to the Panel to be an extremely unlikely and exceptional "long game" of over two decades, apparently without doing anything during that period that might be regarded as trademark-abusive beyond holding the disputed domain name. The Complainant has therefore based its case on registration and use in bad faith largely on the fact that the disputed domain name has been passively held for much of its life.

Panels have found that passive holding, being the non-use of a domain name (including a blank or "coming soon" page), would not prevent a finding of bad faith. Section 3.3 of the [WIPO Overview 3.0](#) notes that while panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

The major problem for the Complainant, as already discussed above, is that it has not established the distinctiveness or reputation of its mark in evidence (making merely conclusory allegations as to both). Some limited but not wholly implausible evidence of good faith use has been provided, and the Respondent has not concealed its identity. Finally, given the possible "diminutive" derivation of the word "traubi" which the Respondent asserts (and the Complainant does not contradict with its own evidence) the Panel cannot say on the balance of probabilities that the good faith use of the disputed domain name is so implausible that the Respondent is more probably than not a cybersquatter and its use of the disputed domain name merely pretextual.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Sole Panelist
Date: July 4, 2025