

ADMINISTRATIVE PANEL DECISION

Swatch AG v. mesut erdogan
Case No. D2025-1927

1. The Parties

The Complainant is Swatch AG, Switzerland, represented by The Swatch Group AG, Switzerland.

The Respondent is mesut erdogan, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <swatchscubaqua.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 14, 2025. On May 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 15, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 16, 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 amended Complaint on the same day.

The Center verified that the Complaint together with the amended 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 Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 12, 2025.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on July 1, 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 wholly-owned subsidiary of The Swatch Group Ltd which is the largest watch company in the world. It employs about 31,000 people in 50 countries and encompasses numerous other world-renowned watch maker brands such as OMEGA, BREGUET, HARRY WINSTON, HAMILTON, TISSOT and RADO. The Swatch Group Ltd is publicly traded on various stock exchanges as can be seen from exhibit D.14 to the Complaint.

The Complainant is the owner of the trade mark SWATCH which has been used by the Complainant for its wristwatches since at least 1983. It also has produced or produces apparel, sunglasses and other items using the mark. It has continually used SWATCH since 1983 and has therefore gained both common law and registered trade mark rights. Examples of how the mark SWATCH is used, promoted and recognized in relation to the Complainant's goods and services are set out in exhibits D.1 to D.15 to the Complaint.

The Complainant's website at "www.swatch.com" is used to promote the SWATCH brand and its products and services on the Internet. The Complainant also trades using fully owned, branded retail stores throughout North America, Europe, the Middle East, Africa, Central and South America, Asia and Australia. It also owns a growing number of e-commerce shops available for the brand SWATCH.

The Complainant evidences registrations of the trade mark SWATCH as an International Mark and as registered in the United States of America, China, Japan and the European Union.

These include the following registrations of SWATCH;

International registration No. 506123 in class 14 to include "clocks and watches and other chronometric instruments" dated September 9, 1986.

European Union registrations Nos. 226019 and 226316 in class 14 to include "horological and chronometric instruments" dated October 2, 1998 and November 12, 1998 respectively.

China registration No. 232954 in class 14 to include "Quartz wristwatches and parts thereof" dated September 15, 1985.

On May 8, 2025 the Complainant publicly announced its new "Swatch SCUBAQUA" collection which is illustrated at exhibit D.16 to the Complaint. Earlier on January 15, 2025 the Complainant registered the trade mark SWATCH SCUBAQUA in Switzerland in Class 14 under No. 825190.

Copies of the trade mark registrations relied upon are set out at exhibits E.1 to E.10 to the Complaint.

The Complainant relies upon the fact that it has a history of enforcing its trade mark rights. It also refers to several previous UDRP complaints in which Panels decided upon and recognized its trade mark rights.

This Panel notes that the disputed domain name was registered on May 9, 2025 which postdates the dates of registration of the Complainant's trade marks relied upon.

There is limited evidence about the Respondent save for a website exhibited as exhibit G.1 to the Complaint where the Respondent has linked its domain name to the Registrar parking page, where it is offered for sale. No quantified sale price is specified.

It is nevertheless clear that the Respondent registered the disputed domain name incorporating the Complainant's trade mark SWATCH SCUBAQUA immediately after the Complainant's announcement of its identically named Swatch SCUBAQUA collection and could only have done so having become aware of the Complainant's new product.

In the absence of a Response the Panel finds the evidence as adduced by the Complainant to be true.

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;

- i. The disputed domain name is confusingly similar to the Complainant's registered trade marks SWATCH SCUBAQUA and SWATCH;
- ii. There is no evidence that the Respondent has rights or legitimate interests in the disputed domain name;
- iii. On the evidence adduced by the Complainant the disputed domain name was registered and is being used in bad faith. In particular the Complainant relies upon evidence that the Respondent is coercing the Complainant into acquiring the disputed domain name for a consideration in excess of the Respondent's out-of-pocket costs within paragraph 4(a)(iii) of the Policy.

B. Respondent

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

6. Discussion and Findings

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark SWATCH SCUBAQUA 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 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.

There is no evidence that the Respondent is commonly known by the disputed domain name. Nor is there evidence that the Respondent is in any way related to the Complainant or its business activities. The Complainant has confirmed that it has not granted a licence or authorized the Respondent to use its trade marks or apply for registration of the disputed domain name.

There is evidence that the Respondent has linked the disputed domain name to a website where the disputed domain name is offered for sale substantially in excess of its out-of-pocket costs for acquiring the domain name. This constitutes bad faith within paragraph 4(b)(i) of the Policy.

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 takes into account that the Respondent has linked the disputed domain name to a website entitled “swatchscubaqua.com is taken. We still might be able to get it for you” (exhibit G.1 to the Complaint). No quantified sale price is specified but a broker fee of USD 99.99 is quoted which exceeds the typical cost for registration of USD 12 per year quoted by the Complainant. The Complainant points out that a possible sale price would exceed brokerage fees.

The Complainant also points out that by registering the disputed domain name immediately following the Complainant’s launch of its new Swatch SCUBAQUA collection which the Respondent must have been aware of, was part of the Respondent seeking to sell the disputed domain name for a consideration in excess of the Respondent’s out-of-pocket cost for acquiring the disputed domain name.

The Panel agrees with these submissions and finds evidence of registration to sell the disputed domain name to the Complainant at a profit within paragraph 4(b)(i) of 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 <swatchscubaqua.com> be transferred to the Complainant.

/Clive Duncan Thorne/

Clive Duncan Thorne

Sole Panelist

Date: July 15, 2025