

## **ADMINISTRATIVE PANEL DECISION**

Byggmax AB v. Kellan Rhodes  
Case No. D2025-1933

### **1. The Parties**

The Complainant is Byggmax AB, Sweden, represented by Abion AB, Sweden.

The Respondent is Kellan Rhodes, United States of America.

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

The disputed domain name <byggmax.shop> is registered with Alibaba.com Singapore E-Commerce Private Limited (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 16, 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) 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 May 21, 2025.

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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 12, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on June 19, 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, Bygghmax AB, is a Swedish building materials retailer established in 1993, offering affordable construction products to both private individuals and professionals. The company operates a large number of stores across Sweden, Norway, and Finland, alongside a growing e-commerce platform. Its product range includes timber, insulation, tools, paint, and other construction-related materials. The Complainant is known for its low-price strategy and self-service concept, where customers load their own goods to help keep costs down.

The Complainant holds trademark registrations that incorporate the mark BYGGMAX in many countries, including Swedish registration no. 551394 registered on June 20, 2019, for goods and services in 24 classes, and European Union registration no. 017973668 registered on June 29, 2020, for goods and services in 24 classes.

The disputed domain name was registered on March 28, 2025, and is offered for sale on a third-party website for a Buy now price of USD 1,450.

#### **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 is composed of the verbal element "byggmax" and the Top-Level Domain ".shop". Since the element "byggmax" is identical to the trademark BYGGMAX, the disputed domain name should be considered confusingly similar to the Complainant's BYGGMAX mark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not given the Respondent any permission to register the trademark as a domain name or to use or present an offering of goods and services under the trademark, and the Respondent has not been commonly known by the disputed domain name nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant finally contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant has been using the trademarks long before the disputed domain name was registered, which implies knowledge of the Complainant's trademark and business. It is therefore obvious that the Respondent was aware of the Complainant's trademark and business when registering the disputed domain name. The disputed domain name is offered for sale at a price of USD 1,450 and the fact that the Respondent is already attempting to sell the disputed domain name, despite having registered it less than two months ago, indicates that the Respondent never had any intention to use the disputed domain name in any legitimate manner, but rather to commercially profit by registering a domain name, which is identical to an existing trademark. These circumstances strongly suggest that the disputed domain name has been registered and used in bad faith by the Respondent.

##### **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 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 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 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.

The disputed domain name contains the Complainant's widely used and distinctive trademark and it is inconceivable to the Panel that the Respondent registered the identical disputed domain name without prior knowledge of the Complainant and the Complainant's marks.

Furthermore, the disputed domain name is offered for sale at a price most likely in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name (absent any evidence from the Respondent to the contrary), which is a clear indication of bad faith under paragraph 4(b)(i) of the Policy.

The Panel therefore 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 <byggmax.shop> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: July 3, 2025