

ADMINISTRATIVE PANEL DECISION

Byggmax AB v. melme kletis
Case No. D2025-1935

1. The Parties

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

The Respondent is melme kletis, Greece.

2. The Domain Name and Registrar

The disputed domain name <byggmax-ab.com> is registered with One.com A/S (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 14, 2025. On May 15, 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 18, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on June 20, 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 8, 2025, and resolves to a parked page hosted by the Registrar.

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-ab" and the Top-Level Domain ".com". The addition of "-ab" merely indicates that the company is a limited liability company registered in Sweden and does not contribute to distinctiveness. As the trademark is clearly recognizable within the disputed domain name it 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 any legitimate use of the disputed domain name for any activity or business related to the BYGGMAX mark.

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 fact that the website associated with the disputed domain name is currently inactive indicates that the Respondent never intended to use the disputed domain name in connection with any legitimate business or noncommercial purpose. Instead, it suggests an intention to commercially profit from the registration of a domain name that is identical to an existing trademark.

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 confusingly similar 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.

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.

In the present case, the Panel notes that the Respondent has failed to participate in these proceedings and that given the distinctive nature of the Complainant's trademark BYGGMAX there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain name, particularly noting the composition of the disputed domain name which is almost identical to the Complainant's company name. Under these circumstances the fact that the disputed domain name is currently not actively used does not prevent a finding of bad faith. As it is stated in section 3.3 of the [WIPO Overview 3.0](#): "From the

inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding."

Noting that the disputed domain name incorporates the Complainant's distinctive trademark BYGGMAX and is almost identical to the Complainant's company name, that no Response has been filed and that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain name, and considering all the facts and evidence of the case, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in relation to the disputed domain name.

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 <byggmax-ab.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: July 4, 2025