

## ADMINISTRATIVE PANEL DECISION

Demag IP Holdings GmbH v. 王禎 (wang zhen)  
Case No. D2025-2047

### 1. The Parties

The Complainant is Demag IP Holdings GmbH, Switzerland, represented by Moser Götze & Partner Patentanwälte mbB, Germany.

The Respondent is 王禎 (wang zhen), China.

### 2. The Domain Name and Registrar

The disputed domain name <dmgqzjdl.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 23, 2025. On May 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 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 (德玛格起重机（大连）有限公司) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 4, 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 amendment to the Complaint in English on June 6, 2025.

On June 4, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On June 6, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on June 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 2, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on July 7, 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 company incorporated in Switzerland. It is part of a group of companies based in Germany that designs and manufactures industrial cranes and components, marketed and sold worldwide under the trademark DEMAG.

The Complainant is the owner of a portfolio of DEMAG trademark registrations, including but not limited to the International Trademark DEMAG, registered on May 31, 1983 (International Trademark registration number 485602), the Chinese Trademark DEMAG registered on June 28, 1998 (Chinese Trademark registration number 1187255), and the Chinese Trademark 德马格 registered on March 14, 2001 (Chinese Trademark registration number 1538931).

The disputed domain name was registered on August 23, 2023. The disputed domain name currently resolves to a bilingual (Chinese and English) website of a company calling itself “德玛格起重机（大连）有限公司” and, in the English version of the same website, “Demag crane (Dalian) Co. Ltd.”, the website is promoting DLDMG-branded products which compete with the Complainant's products, such as hoists, beam bridges, and cranes.

The Respondent is 王祯 (wang zhen), China.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for the cancellation of the disputed domain name.<sup>1</sup>

Notably, the Complainant lists and contends that it owns a large portfolio of trademark registrations for DEMAG and 德马格, and that the disputed domain name contains the consonants of the Complainant's registered and known trademark DEMAG, whereby the suffix “qzjd” consists of two parts: “qzj” is an abbreviation for “crane”, which is the business field of the Complainant, and “dl”, which assumingly stands for Dalian, the province associated with the Respondent. The Complainant argues that the products shown on the website at the disputed domain name are identical/similar to the ones from the Complainant's designated goods and services, especially cranes, hoists, etc. The Complainant argues that the Respondent is neither an official partner nor a licensee of DEMAG trademarks. As to bad faith, the Complainant argues that the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's website or their online location by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location, and that the Respondent knew about the infringing character of its behavior given the Complainant's earlier procedures against the Respondent.

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<sup>1</sup> The Panel notes the Complaint would benefit from clearer articulation of the legal arguments and factual substantiation.

## B. Respondent

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

## 6. Discussion and Findings

### 6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website at the disputed domain name contains an "English" button on its homepage, which allegedly shows familiarity of the Respondent with English, the fact that the mother tongue of the Complainant is German, the mother tongue of the Respondent is believed to be Chinese, and that as a consequence, allegedly, when using the English language, both Parties will be able to understand each other.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 6.2 Findings on the Merits

#### 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 listed some trademark rights applicable for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the DEMAG mark is recognizable within the disputed domain name. Particularly, the Panel finds that the main part of the disputed domain name, namely "dmqzjdl" can be interpreted as follows: "dmq" refers to the abbreviation of DEMAG and the abbreviation of the Chinese Pinyin transliteration of the Complainant's trademarks 德马格 ("de ma ge"), the term "qzj" refers to the abbreviation of the Chinese Pinyin transliteration of "起重机" ("qi zhong ji"), Chinese for "crane", i.e. one of the main products offered by the Parties (see in this regard also the previous UDRP decision in *Demag IP Holdings GmbH v. 乔钦涛 (Qiao Qin Tao)*, WIPO Case No. [D2023-2115](#)), and the term "dl", which stands for the Chinese Pinyin abbreviation of the Chinese city of Dalian. Further, the Panel has also taken into account the content of the website at the disputed domain name, which clearly confirms that the Respondent is indeed targeting the Complainant's DEMAG and 德马格 trademarks through the disputed domain name. [WIPO Overview 3.0](#), sections 1.14 and 1.15. With regard to the relevancy under the first limb test of the content of the website at the disputed

domain name, see earlier UDRP decisions such as *Schering-Plough Corporation, Schering Corporation v. Dan Myers*, WIPO Case No. [D2008-1641](#) and *Reuters Limited v. Global Net 2000, Inc.*, WIPO Case No. [D2000-0441](#).

Accordingly, the Panel finds that the disputed domain name is, in the circumstances of this case, 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 managed to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Further, 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.

Firstly, the record contains no evidence adduced to show that the Respondent is commonly known by the disputed domain name or making a legitimate noncommercial or fair use of the disputed domain name. To the contrary, disputed domain name resolves to a website which is offering for sale competing products, such as hoists, beam bridges, and cranes, by a company calling itself “德玛格起重机（大连）有限公司” or “Demag crane (Dalian) Co. Ltd”, which means that the Respondent is clearly referencing and using the Complainant’s 德马格 and DEMAG marks in its introduction and description of its operations. Further in the website banner and product description, the website also mentions that the products offered are “European crane” and “European style” products, with an “Inheritance of Germany advanced, perfect process and strict quality management”, which further strengthens the impression that the Respondent has attempted to create a likelihood of confusion with the Complainant and its products. Such use cannot confer rights or legitimate interests on the Respondent.

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 firstly accepts that the Complainant’s DEMAG and 德马格 marks possess widespread reputation, as has been recognized earlier by panels applying the Policy, see for instance: *Demag IP Holdings GmbH v. 乔钦涛 (Qiao Qin Tao)*, WIPO Case No. [D2023-2115](#). The Panel notes that the disputed domain name, which is confusingly similar to the Complainant’s well-known and intensively used trademarks, some of which have been registered decades before the registration date of the disputed

domain name, was registered by the Respondent, who is entirely unaffiliated with the Complainant. The Panel also notes that even a cursory Internet search at the time of the registration of the disputed domain name would have made it clear to the Respondent that the Complainant owns prior rights in its trademarks for DEMAG and 德马格, including in China. Based on the available record, the Panel accepts that the Respondent has registered the disputed 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 this case, the disputed domain name directs Internet users to an active website of a company calling itself “德玛格起重机（大连）有限公司” and, in the English version of the same website, “Demag crane (Dalian) Co. Ltd.” and the website is promoting and offering for sale products which directly compete with the Complainant's products, such as hoists, beam bridges, and cranes by reference to the Complainant's marks as reproduced on the website and as incorporated in a confusingly similar manner in the disputed domain name. The Panel accepts that this shows the intention on the part of the Respondent to attract, for commercial gain, Internet users to the website linked to the disputed domain name by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of such website. This constitutes direct evidence of bad faith under paragraph 4(b)(iv) 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 <dmgqzjdl.com> be cancelled.

*/Deanna Wong Wai Man/*

**Deanna Wong Wai Man**

Sole Panelist

Date: July 22, 2025