

## **ADMINISTRATIVE PANEL DECISION**

**PAUL HARTMANN AG v. Gabriella Lockman, Hartmann**  
**Case No. D2025-2087**

### **1. The Parties**

The Complainant is PAUL HARTMANN AG, Germany, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Gabriella Lockman, Hartmann, Austria.

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

The disputed domain name <apotheke-hartmann.com> is registered with Tucows Domains Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 27, 2025. On May 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 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 (Contact Privacy Inc. Customer 0174842985) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 June 2, 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 June 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 23, 2025.

The Center appointed Andrea Mondini 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 was founded in 1818, is headquartered in Heidenheim, Baden-Württemberg, Germany and is a manufacturer of medical and care products, as well as a provider of associated services, in the fields of wound care, incontinence management, and infection management.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
HARTMANN	Germany	394211	November 10, 1928	5 and 10
HARTMANN	European Union	000006890	February 2, 2001	3, 5, 9, 10, 16, 21, 24, 25, 39 and 41
	European Union	018344965	May 11, 2022	1, 3, 5, 9, 10, 16, 24, 25, 35, 38, 39, 41, 42, 43 and 44

The Complainant holds numerous domain names containing the term HARTMANN, among them <hartmann.info> which hosts its main website.

Because the Respondent did not file a Response, little is known about the Respondent.

The disputed domain name was registered on May 2, 2025.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website prominently displaying the Complainant’s logo, imitating the layout of the Complainant’s website and purporting to offer pharmaceutical products.

#### 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 as follows:

The disputed domain name is confusingly similar to the HARTMANN trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the descriptive term “Apotheke” (which means “pharmacy” in German) is not sufficient to prevent a finding of confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized or licensed by the Complainant to use its trademark and is not commonly known by the disputed domain name. The pertinent Notice of Registrant information identifies the Registrant as “Gabriella Lockman”, and the Registrant organization as “Hartmann”. The Complainant submits that “Hartmann” is not the name of the Respondent, but that Respondent has chosen to impersonate the Complainant in the Whois record of the disputed domain name.

There is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the disputed domain name resolves to a website prominently displaying the Complainant’s logo, imitating the design and color scheme of the Complainant’s website and purporting to offer goods within the same sector as the Complainant, thereby impersonating the Complainant.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark HARTMANN at the time it registered the disputed domain name, as shown by the content of the website posted under the disputed domain name.

Respondent is using the disputed domain name in bad faith, by impersonating the Complainant. The Respondent is attempting to cause consumer confusion to profit from such confusion. The impression given by the disputed domain name and its website would cause consumers to believe the Respondent is somehow associated with Complainant when, in fact, it is not. In addition to the above, the disputed domain name is also currently set up with mail exchanger (MX) records. This shows that the disputed domain name may be actively used for email purposes. Emails emanating from the disputed domain name could not reasonably be used for any good faith purpose and may be actively used to facilitate fraudulent activity such as phishing, impersonating or passing off as the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

### **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 Panel finds the entirety of the HARTMANN mark is reproduced within the disputed domain name.

Although the addition of other terms such as here “Apotheke” may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the generic Top-Level Domain (“gTLD”) “.com” in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [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**

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 for a complainant to prove that 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. Notably, the Complainant credibly submits the Respondent used the “Hartmann” name to impersonate the Complainant.

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.

Panels have held that the use of a domain name for illegal activity such as here impersonating the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Furthermore, the disputed domain name itself suggests a connection or affiliation between the Complainant and the Respondent which in fact does not exist.

Based on the available record, 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 view of the Panel, noting that that the Complainant's trademark predates the registration of the disputed domain name and considering that the disputed domain name resolves to a website featuring the Complainant's logo to offer healthcare products, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The impression given by this website that resolves from the disputed domain name, would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website in the sense of the Policy, paragraph 4(b)(iv). The fact that the disputed domain name is set up with mail exchanger (MX) records creates a risk that the disputed domain name may be actively used to facilitate fraudulent activity such as phishing, impersonating or passing off as the Complainant.

Panels have held that the use of a domain name for illegal activity such as in the present case impersonating the Complainant constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

## **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 <apotheker-hartmann.com> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: July 14, 2025