

## ADMINISTRATIVE PANEL DECISION

BTCS Holding AG and Bitcoin Suisse AG v. U SDT  
Case No. D2025-2091

### 1. The Parties

The Complainants are BTCS Holding AG, Switzerland, and Bitcoin Suisse AG, Switzerland, represented by FMP Fuhrer Marbach & Partners, Switzerland.

The Respondent is U SDT, United States of America (“United States”).

### 2. The Domain Name and Registrar

The disputed domain name <bitcoinsuisse.vip> 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 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 29, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on May 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on June 3, 2025.

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 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 Mihaela Maravela as the sole panelist in this matter on July 8, 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**

According to information in the Complaint, the Complainants are BTCS Holding AG (“Complainant No. 1”) and Bitcoin Suisse AG (“Complainant No. 2”, together the “Complainants”), both corporations incorporated under the laws of Switzerland. Complainant No. 1 is the holding company and responsible for managing all intellectual property rights. Complainant No. 2 is its wholly owned subsidiary.

The Complainants are offering professional crypto trading for more than 45 cryptocurrencies, integrated staking service in an all-in-one solution, highly secure cold storage solutions and versatile loan solutions featuring a diversified portfolio of assets. In total, the Complainants have five billion crypto assets in custody and over 200 employees in Switzerland, Liechtenstein, Denmark, and Slovakia.

The Complainants are the holders of a number of trademarks for BITCOIN SUISSE, which is also Complainant’s No. 2 company name, including the following:

- the Swiss Registration No. 710728 for trademark BITCOIN SUISSE, registered on December 12, 2017, and covering goods and services in Classes 9, 14, 36, and 42;
- the International Trademark Registration No. 1440549 for trademark BITCOIN SUISSE, registered on November 6, 2018, and covering goods and services in Classes 9 and 36, designating inter alia Liechtenstein under the Madrid Protocol;
- the International Trademark Registration No. 1450827 for trademark  , registered on November 6, 2018, and covering goods and services in Classes 9 and 36, designating inter alia the United States under the Madrid Protocol.

The Complainants have registered the domain names <bitcoinsuisse.ch> and <bitcoinsuisse.com>, which they use to offer their services in the field of cryptocurrencies.

The disputed domain name was registered on May 2, 2025, and does not resolve to an active website. According to evidence with the Complaint, the disputed domain name was used to resolve to a website purportedly offering similar services to those of the Complainants, displaying their trademark and logo.

There is no available information concerning the Respondent except for the information made available by the Registrar.

#### **5. Parties’ Contentions**

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is identical to the trademarks in which the Complainants have rights, as it consists of the Complainants’ wordmark and also of the tradename of the Complainant No. 2.

As regards the second element, the Complainants argue that they did not give any permission to the Respondent or any third party to use their BITCOIN SUISSE brand for the registration and/or use of the disputed domain name. The Respondent uses the disputed domain name for the same goods and services, namely staking services for USDT (also known as “tether” and is a “stablecoin”) on the website at the

disputed domain name, and thus financial services almost identical to those offered by the Complainants. By using the disputed domain name, the Respondent improperly presents itself as an affiliate, subsidiary, or whatsoever of the Complainants, presumably in an attempt to mislead and/or steal the wallet information of the Complainants' customers via phishing.

With respect to the third element, the Complainants argue there are great similarities between their official website and the website at the disputed domain name, including the fact that the Complainants' word trademark and logo was found almost identically (without spaces) on the website at the disputed domain name, and login details are requested at the top right. Also, the Complainants' device mark logo is used as favicon at the website at the disputed domain name. In conclusion, the Respondent must clearly have had the Complainants and their rights in the BITCOIN SUISSE brand in mind when registering the disputed domain name. As regards the use, the Complainants argue that the services allegedly offered by the Respondent on the website at the disputed domain name do not exist and are technically impossible with the technology indicated by the Respondent. Also, in order for a financial services provider to accept funds from customers in Switzerland, it requires authorization from the Swiss Financial Market Supervisory Authority (FINMA), which the Complainants submit the Respondent does not have as far as they could determine. Also, the website at the disputed domain name does not provide contact details for a legitimate business, but only lists customer service via Telegram as a means of contact.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1. Consolidation of multiple Complainants**

Given that the Complainant No. 1 and the Complainant No. 2 belong to the same group of companies and enjoy in that position registered rights in the BITCOIN SUISSE trademark, both the Complainants have a specific common grievance against the Respondent why it is appropriate in the case at hand and in line with the panelists' majority view to accept this Complaint filed by multiple complainants (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.11.1). The Panel will refer to the Complainants as the Complainant hereinbelow.

### **6.2. Substantive matters**

Although properly notified, no response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. [WIPO Overview 3.0](#), section 4.2.

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a 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 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 agrees that the Top-Level Domain (“TLD”) “.vip” is disregarded in the confusing similarity test, as it does not form part of the comparison as it is a standard registration requirement for technical reasons. [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 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 using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Rather, according to the unrebutted evidence with the Complaint, the disputed domain name resolved to a website featuring the Complainant’s trademark, resembling the Complainant’s official website and requesting personal data as email or mobile number and password to log in. Such use does not in the circumstances of this case give rise to any rights or legitimate interests on the Respondent’s part.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

According to the unrebutted assertions of the Complainant, its BITCOIN SUISSE trademarks were widely used in commerce well before the registration of the disputed domain name. The disputed domain name is identical to the Complainant's trademarks and resolved to a website displaying the Complainant's trademark and logo, which was also used as favicon, and resembling the Complainant's official website. The website at the disputed domain name purportedly offered similar services to those of the Complainant. Under these circumstances, it is most likely that the Respondent was aware of the Complainant's trademarks at the registration date of the disputed domain name.

As regards the use of the disputed domain name, the Panel accepts the Complainant's evidence, which the Respondent has not disputed, that the Respondent used the disputed domain name to resolve to websites featuring the Complainant's BITCOIN SUISSE trademark and requesting personal data as email address or phone number and password to log in. Such use is likely to mislead Internet users looking for the Complainant's products or services. Accordingly, the Panel finds 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 trademark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or other types of fraud as is suggested by the apparent lack of financial services/regulatory credentials) 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.

As regards the fact that the disputed domain name is currently inactive, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, and the prior use of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <bitcoinsuisse.vip> be transferred to the Complainant No. 1.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: July 15, 2025