

ADMINISTRATIVE PANEL DECISION

AGFA-GEVAERT N.V. v. Jarad King
Case No. D2025-2446

1. The Parties

The Complainant is AGFA-GEVAERT N.V., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is Jarad King, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <agfacorp.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 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 (Confidential information due to the GDPR) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 27, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on July 25, 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 headquartered in Belgium, with international operations in the photographic, medical imaging, and medical software sector.

The Complainant has provided evidence that it is the registered owner of numerous AGFA trademarks including the following:

- United States Trade Mark AGFA registered on August 26, 1997, under registration number 75193822; and
- European Union Trade Mark AGFA registered on January 24, 2005, under registration number 003353463.

The disputed domain name was registered on February 7, 2025, and it points to an error page. At the time of filing of the Complaint the disputed domain name pointed to a page headed "Index of" and containing a folder titled "cgi-bin".

The only information available about the Respondent is as disclosed 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 highlights the fact that the disputed domain name contains the AGFA trade mark of the Complainant in its entirety and the addition of the term "corp" (abbreviation for "corporation") is not sufficient to avoid a finding that the disputed domain name is confusingly similar to the Complainant's trade mark.

The Complainant asserts that to the best of its knowledge, the Respondent has not been commonly known by the name "agfa". The Complainant declares that it has not licensed or otherwise authorized the Respondent to use its trade mark or any domain name including the trade mark AGFA.

Turning to the issue of bad faith, the Complainant contends that its AGFA trade mark is widely known and provides evidence of at least one decision under the Policy finding that the AGFA trade mark is well known. The Complainant argues that the Respondent could not have been unaware of the Complainant's trade mark at the time of registration of the disputed domain name and that the disputed domain name was registered to mislead Internet users into thinking that the disputed domain name is somehow affiliated with the Complainant. Moreover, mail exchanges ("MX records") are set up for the disputed domain name, which would enable the Respondent to send emails impersonating the Complainant and misleading Internet users.

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 trade mark 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 trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the AGFA trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the AGFA trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

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.

In the present case, the Panel notes that the disputed domain name reproduces the exact AGFA trade mark of the Complainant and this cannot be a coincidence given the overall circumstances of the present case including: (i) the renown of the Complainant's AGFA trade mark, as found by at least one previous UDRP panel; (ii) the fact that the AGFA trade mark is a fanciful term and (iii) the fact that the disputed domain name was registered relatively recently and many years after the registration of the trademark AGFA.

Thus, the Panel finds that the disputed domain name was registered in bad faith.

As for the use of the disputed domain name in bad faith, the Panel considers that the disputed domain name is used in bad faith.

In the present case, the disputed domain name was registered to attract Internet users by taking unfair advantage of and creating a likelihood of confusion with the Complainant's trade mark. Additionally, panels have held that the use of a domain name for illegitimate activity (here, potentially fraudulent impersonation of the Complainant or deployment of malware) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel also notes that the disputed domain name does not seem to be currently associated with an active website as the disputed domain name points to an error page.

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 distinctiveness and reputation of the Complainant's trade mark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The fact that the Respondent chose not to object to the Complainant's assertions can only reinforce the Panel's view that the disputed domain name is used in bad faith.

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 <agfacorp.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: August 8, 2025