

## **ADMINISTRATIVE PANEL DECISION**

Iveco S.p.A. v. Nan Jing Ke Yue Jia Ke Ji Fa Zhan You Xian Gong Si  
Case No. D2025-2525

### **1. The Parties**

The Complainant is Iveco S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Nan Jing Ke Yue Jia Ke Ji Fa Zhan You Xian Gong Si, China.

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

The disputed domain name <ivecochina.com> is registered with Jiangsu Bangning Science & technology Co. Ltd. (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 27, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 30, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on July 3, 2025, providing the registrant and contact information disclosed by the Registrar. The Complainant filed an amendment in English to the Complaint on July 7, 2025.

On July 3, 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 July 7, 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 July 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Center received email communications ostensibly from the Respondent on July 7 and 14, 2025, respectively. The Respondent did not file any formal Response. Accordingly, the Center notified the commencement of the panel appointment process on August 6, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on August 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**

The Complainant is an Italian company, created in 1975 through the merger of five companies. Its name “Iveco” is a portmanteau word formed from “Industrial Vehicle Corporation”. The Complainant produces heavy, medium, and light commercial vehicles. It holds multiple trademark registrations, including

- International trademark registration number 426061 for IVECO, registered on October 21, 1976, designating multiple jurisdictions, and specifying goods in classes 7, 9, and 12, including vehicles and spare parts; and
- International trademark registration number 782547 for IVECO, registered on April 22, 2002, designating multiple jurisdictions, including China, specifying services in classes 36, 37 and 39.

The above trademark registrations are current. The Complainant also registered the domain name <iveco.com> on March 15, 1996 that it uses with a website where it provides information about itself and its products. The Complainant’s Chinese affiliate Iveco (China) Commercial Vehicle Sales Co., Ltd., registered the domain names <iveco.com.cn> and <iveco.cn> on January 8, 2000 and August 10, 2005, respectively. The Complainant also operates social media accounts.

The Respondent is a Chinese company named “南京珂乐加科技发展有限公司”, which may be transliterated as “Nan Jing Ke Yue Jia Ke Ji Fa Zhan You Xian Gong Si” and translated as “Nanjing Keyuejia Technology Development Co., Ltd.”.

The disputed domain name was registered on April 21, 2016. It formerly resolved to a website in English for the Convitex group that prominently displayed a CONVITEX and device mark and spare parts for various brands of vehicles. The website displayed images of vehicles, as well as a vehicle-and-multitool logo featuring the IVECO mark. The Complainant sent cease-and-desist letters on November 21, 2017 to the Respondent and its hosting provider. The website later became inaccessible from Italy but, according to archived screenshots presented by the Complainant, it remained active until at least April 16, 2024. At the time when the Complaint was filed, the disputed domain name did not resolve to any active website; rather, it was passively held. At the time of this Decision, the disputed domain name resolves to a website in English that prominently displays the CONVITEX and device mark, an image of a truck, and illustrations of books and book bindings.

According to information provided by the Respondent, a Chinese company named Nanjing Yulejia Technology Development Co., Ltd. holds the International trademark registration number 1498314, registered on October 16, 2019, designating Italy, specifying goods in class 12, including axles for vehicles. The basic registration of this International registration is Chinese trademark number 31879838 registered by the Respondent. Those trademark registrations are current.

## **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 confusingly similar to its IVECO mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not a licensee or authorized agent of the Complainant. The Respondent has used the disputed domain name to promote the spare parts of the Complainant's competitors. The composition of the disputed domain name carries a high risk of implied affiliation with the Complainant.

The disputed domain name has been registered and is being used in bad faith. The Respondent clearly acted in opportunistic bad faith, since it obviously registered and used the disputed domain name with full knowledge of the Complainant and its trademark for the purpose of taking commercial advantage of that trademark. The passive holding of the disputed domain name does not prevent a finding of bad faith use.

### **B. Respondent**

The Center received email communications ostensibly sent by the Respondent. The latter communication set out the following facts, arguments, and offer to sell.

The CONVITEX trademark was registered in Italy, Poland, and Lithuania in 2019. No right to interfere with or use this trademark shall be granted. The website is licensed under the CONVITEX Group trademark. The trademark used is the CONVITEX brand and has no relation to the IVECO trademark. There is no infringement or similar use. All products on the website associated with the disputed domain name are CONVITEX-trademarked products. There is no plagiarism or infringement. All rights to the trademark and website are reserved.

The disputed domain name was applied for in 2016 and has been registered for 9 years. During this period, there have been no complaints. The disputed domain name has been used normally and legally and enjoys the right to use it all the time.

Currently, the website associated with the disputed domain name has been completely updated and has become a brand new website. Through the efforts of the technicians, the disputed domain name has changed the group's website for selling books and has no similar connection with the Complainant company IVECO at all.

If the Complainant has an intention to purchase the disputed domain name, the Respondent can sell it.

## **6. Discussion and Findings**

### **6.1. Preliminary Issues**

#### **A. Communications ostensibly from the Respondent**

The Center received two communications on July 7 and July 14, 2025 from an unidentified email address. The sender did not identify itself but both communications were sent as replies to email communications from the Center in this proceeding. The latter communication (i) implies that the sender is the operator of the website associated with the disputed domain name; (ii) includes an offer to sell the disputed domain name, which implies that the sender is the registrant of the disputed domain name; (iii) implies that the sender is the holder of the CONVITEX and device mark. In the International registration of this trademark, the contact

street address, including office number, is the same as the one in the disputed domain name registration, while the basic registration is registered by the Respondent; and (iv) indicates that the sender has access to the email account of the registrant of the disputed domain name or at least has sight of the Center's emails sent to the registrant of the disputed domain name. Having reviewed this evidence, the Panel is satisfied that these communications received by the Center were indeed sent by the Respondent or someone acting on its behalf.

## **B. 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 and amendment to the Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that translation of the Complaint and annexes into Chinese would cause delay; whereas the Respondent has sufficient command of English, as demonstrated by the fact that the disputed domain name includes an English word and the website originally associated with the disputed domain name was entirely in English.

The Respondent did not comment on the language of the proceeding but sent its communications to the Center in English.

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. Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

The burden of proof of each element is borne by the Complainant.

### **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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the IVECO trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the IVECO mark is reproduced within the disputed domain name as its initial element. Despite the addition of the country name “China”, the IVECO mark is clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is composed of the Complainant’s IVECO trademark and the country name “China”, which gives the impression that it will resolve to a website affiliated with the Complainant for use in connection with the Chinese market. However, the Complainant submits that the Respondent is not its licensee or authorized agent. Further, the website displays spare parts for vehicles produced by the Complainant’s competitors. At the time when the Complaint was filed, the disputed domain name was passively held. None of these circumstances indicates that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Nor do they indicate that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

Further, the Registrar has confirmed that the Respondent’s name is “Nan Jing Ke Yue Jia Ke Ji Fa Zhan You Xian Gong Si”, which is evidently a transliteration of “南京珂乐加科技发展有限公司”, which may be translated as “Nanjing Keyuejia Technology Development Co., Ltd”, none of which resembles the disputed domain name. Furthermore, the disputed domain name does not resemble the Respondent’s CONVITEX trademark. Nothing on the record, including the Respondent’s website, indicates that the Respondent has been commonly known by the disputed domain name.

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.

Turning to the Respondent, it argues that it has the right to use the CONVITEX and device mark and that all products on its website are CONVITEX-trademarked products. However, the Panel notes that the disputed domain name contains the IVECO mark, combined with the country name “China”, creating a risk that Internet users will be misled into believing that it is affiliated with the Complainant. In any case, the website formerly displayed a vehicle-and-multitool logo featuring the IVECO mark. The Respondent also shows that it holds the registration for the disputed domain name. However, mere registration of a domain name does not create rights or legitimate interests for the purposes of the Policy, otherwise no complaint could ever succeed, which would be an illogical result. For these reasons, the Respondent has failed to rebut the Complainant’s prima facie showing.

Based on the 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. The fourth circumstance is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on [the respondent’s] web site or location.”

In the present case, the disputed domain name was registered in 2016, many years after the registrations of the Complainant’s IVECO mark, including in China, where the Respondent is based. The disputed domain name wholly incorporates that mark, which is a portmanteau word with no dictionary meaning. The Respondent operates in the same sector as the Complainant, i.e., the automotive sector, from which it can be inferred that it is more likely to be aware of the Complainant and its products. The Respondent’s website formerly displayed a vehicle-and-multitool logo featuring the IVECO mark. In view of these circumstances, the Panel finds it likely that the Respondent was aware of the Complainant and its mark when it registered the disputed domain name.

As regards use, the disputed domain name operates by capitalizing on the IVECO trademark in an evident attempt to attract Internet users searching for the Complainant and divert them to the Respondent’s website where the Respondent formerly offered its spare parts for the Complainant’s competitors’ vehicles. This use was intentional and for commercial gain within the terms of paragraph 4(b)(iv) of the Policy.

The Panel notes that the disputed domain name was passively held at the time when the Complaint was filed. Panels have found that the non-active use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Given the circumstances of the Respondent’s prior active use of the disputed domain name, the Panel finds that its later passive holding of the disputed domain name does not prevent a finding of bad faith use under the Policy. See [WIPO Overview 3.0](#), section 3.3.

The Respondent submits that there have no complaints regarding its use of the disputed domain name. However, instances of actual confusion of Internet users are not required to demonstrate bad faith. Further, the Complainant sent cease-and-desist letters in 2017. Mere delay in filing a Complaint under the UDRP does not bar a complainant from bringing such a case nor from potentially prevailing on the merits. See [WIPO Overview 3.0](#), section 4.17.

The Respondent submits that its website has been completely updated and now sells books, with no connection to the Complainant at all. These changes evidently occurred after the Complaint was filed. In any case, the Panel notes that the disputed domain name itself continues to incorporate the IVECO mark. The updated website does little more than present illustrations of blank books. Given the timing of these changes, and that the Respondent operates in the automotive sector, the updated website appears to be a pretext for the purposes of this proceeding. There is a risk that the disputed domain name will revert to the Respondent’s former website as long as the disputed domain name is under the Respondent’s control. In view of all these circumstances, the updated website does not alter the Panel’s conclusion that the disputed domain name is being used in bad faith.

Therefore, 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 <ivecochina.com> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: August 18, 2025