

ADMINISTRATIVE PANEL DECISION

Degussa Holding AG v. Klaus Fritz, Heizendirekt
Case No. D2025-2673

1. The Parties

Complainant is Degussa Holding AG, Switzerland, represented by Bettinger Scheffelt Partnerschaft mbB, Germany.

Respondent is Klaus Fritz, Heizendirekt, Germany.

2. The Domain Names and Registrar

The disputed domain names <degussa.cc>, <degussa.click>, <degussa.co>, <degussa-goldhandel.cc>, <degussa-goldhandel.tv>, <degussa.one>, <degussa.sale>, <degussa.store>, <degussa.top>, <degussa.tv>, <degussa.vip> and <degussa.website> (the “Domain Names”) are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 7, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On July 8, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names, which differed from the named Respondent (See PrivacyGuardian.org REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on July 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 17, 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 Respondent of the Complaint, and the proceedings commenced on July 21, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was August 10, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 16, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on August 27, 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

Complainant is a Switzerland-based company that operates in the precious metals and gold trading industry. Relevant to this matter, Complainant owns trademark registrations including:

- DEGUSSA, International Registration, No. 1262010, registered April 23, 2015, in International Classes 14 and 36;
- DEGUSSA, International Registration, No. 1249667, registered April 16, 2015, in International Classes 14 and 36; and
- DEGUSSA, Switzerland, Registration No. 672132, registered April 20, 2015, in International Classes 14 and 36.

Collectively, these registered trademark rights are referred to as the “DEGUSSA Mark”.

Complainant claims to own numerous domain names incorporating the DEGUSSA mark, including <degussa.com>, <degussa-goldhandel.de>, <degussa-goldhandel.net>, <degussa.shop>, and <degussa.eu>.

The Domain Names were registered between March 18, 2025, and May 28, 2025. According to the evidence provided by Complainant, the Domain Names <degussa.one>, <degussa.sale> and <degussa-goldhandel.tv> previously resolved to websites that allegedly copy Complainant's content and offer similar gold trading services while using Complainant's DEGUSSA trademark without authorization. The Domain Name <degussa.co> previously resolved to a webpage parking the Domain Name for sale.

At the time of the Decision, each of the Domain Names resolves to the inactive website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

As background, Complainant asserts that it is a well-established company in the precious metals industry with extensive trademark rights in the DEGUSSA Mark that have been recognized internationally. Complainant operates legitimate gold trading websites and has built substantial goodwill in the DEGUSSA brand.

With respect to the first element of the Policy, Complainant asserts that the Domain Names are either identical or confusingly similar to Complainant's DEGUSSA Mark. Complainant alleges that the Domain Names incorporate the distinctive DEGUSSA trademark in its entirety, with some domain names adding descriptive terms like “goldhandel” which heighten confusion by suggesting they are official subdivisions of Complainant's business.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Names. Complainant contends it has never authorized Respondent to use its marks and that Respondent is using the Domain Names to operate competing websites for the purpose of impersonating Complainant and misleading Internet users into believing that the website to which the

Domain Name(s) resolves is Complainant's or related to an official or endorsed distributor of Complainant, or they are passively being held by Respondent.

With respect to the third element of the Policy, Complainant alleges that Respondent deliberately registered the Domain Names incorporating Complainant's DEGUSSA mark to attract consumers and benefit from Complainant's established reputation. Complainant further alleges that the coordinated registration pattern and use of identical or similar website content demonstrates bad faith intent.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of each Domain Name; and
- (iii) the Domain Names have been registered and are being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the Domain Names. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has provided evidence of trademark registrations for the DEGUSSA mark, and thus, has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within all of the Domain Names. The Domain Names are either identical to the DEGUSSA trademark or incorporate Complainant's DEGUSSA trademark in its entirety, with the addition of the term, "goldhandel,". Accordingly, the Domain Names are confusingly similar to the DEGUSSA Mark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.1.

Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use its DEGUSSA mark or to register domain names incorporating the mark. There is no evidence that Respondent has been commonly known by the Domain Names or that Respondent has acquired any trademark rights in the term “Degussa”. Respondent has not come forward with an explanation for choosing the Domain Names, which consist of Complainant’s allegedly well-known DEGUSSA mark.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names, such as those enumerated in the Policy¹ or otherwise.

Moreover, Respondent cannot claim that its operation of websites at the Domain Names provides legitimate interests. The evidence shows that several Domain Names resolved to websites that impersonated Complainant by copying Complainant’s trademarks, logos and purported to operate a similar gold investment business model without authorization.

For instance, the Domain Name <degussa.sale> resolved to a website displaying content similar to Complainant’s legitimate gold trading services, featuring precious metals products with promotional messaging, creating confusion with Complainant’s authentic business. Also, the Domain Name <degussa.one> archived website content shows the site copying Complainant’s gold trading business model, featuring similar product offerings, pricing structures, and promotional materials, while using contact information and branding elements that suggest an official relationship with Complainant. Such activities involving impersonation of Complainant for similar business models can never confer rights or legitimate interests on respondents. [WIPO Overview 3.0](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for ... impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”)

With respect to those Domain Names being passively held, the Panel finds that Respondent’s passive non-use of certain Domain Names does not constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy. In this case, noting the composition of the Domain Names, while no website resolves from certain of the Domain Names, the potential for future use that infringes on Complainant’s rights or could be used for fraud is evident. Of particular concern is the fact that Respondent registered several of the Domain Names and used them to impersonate Complainant. Respondent could have come forward with an explanation for its actions, or intended bona fide use of the Domain Names, but did not. The silence of a respondent may support a finding that it has no rights or legitimate interests in respect of the domain name. See *Alcoholics Anonymous World Services, Inc., v. Lauren Raymond*, WIPO Case No. [D2000-0007](#); *Ronson Plc v. Unimetal Sanayi ve Tic.A.S.*, WIPO Case No. [D2000-0011](#). Additionally, previous UDRP panels have found that when respondents have not availed themselves of their rights to respond to complainant, it can be assumed in appropriate circumstances that respondents have no rights or legitimate interests in the domain name at issue. See *AREVA v. St. James Robyn Limoges*, WIPO Case No. [D2010-1017](#); *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*, WIPO Case No. [D2003-0269](#).

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

Lastly, the Panel finds that Respondent is not making any use, let alone bona fide use, of the Domain Names under paragraph 4(c), as the Domain Names resolve to an inactive webpage. Here, with no explanation from Respondent concerning its intent, Respondent's passive holding of the Domain Name incorporating the DEGUSSA Mark does not amount to a bona fide use.

The Panel finds that Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names, which Respondent has not rebutted. The Panel concludes that Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Names in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where respondents "knew or should have known" of a complainant's trademark rights and nevertheless registered domain names in which they had no rights or legitimate interests. As detailed above, Respondent registered the Domain Names which are confusingly similar to the DEGUSSA Mark. There is no explanation for Respondent to have chosen to register the Domain Names other than to intentionally trade off the goodwill and reputation of Complainant's trademarks or otherwise create a false association with Complainant. With no response from Respondent, this claim is undisputed.

The DEGUSSA Mark has a long-standing history dating back to the 19th century and Complainant has used it as a business identifier and trademark for decades. The DEGUSSA Mark is solely connected to Complainant and has no descriptive or generic meaning. The Domain Names either consist solely of DEGUSSA or contain Complainant's trademark in its entirety together with the term "goldhandel" which merely refers to the nature of the goods or services associated with the mark.

Taking into account the long-term and extensive use of Complainant's DEGUSSA Mark and Respondent's coordinated registration of twelve domain names incorporating this distinctive mark, and Respondent's use of several of the Domain Names to impersonate Complainant, it is abundantly evident that Respondent was aware of Complainant and targeted Complainant's DEGUSSA Mark when registering the Domain Names.

For several of the Domain Names, Respondent has engaged in bad faith use through impersonation of Complainant. For instance, the evidence shows that Domain Names such as <degussa.one> and <degussa.sale> resolved to websites that displayed the DEGUSSA Mark and copy Complainant's branding, trade dress, and content. These websites were designed to mislead consumers into believing they were dealing with Complainant or an affiliated entity. This constitutes intentional impersonation and is clear evidence of bad faith use under the Policy. Such deceptive use is likely aimed at misappropriating customer data or diverting sales through illegitimate channels, which establishes bad faith.

To the extent that certain Domain Names are passively held and do not resolve to active websites, this does not preclude a finding of bad faith. [WIPO Overview 3.0](#), section 3.3, instructs that panelists should examine the totality of the circumstances in each case and notes that the following factors have been considered relevant in applying the passive holding doctrine: "(i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

All of these factors are present here. DEGUSSA is a distinctive and well-known mark in the precious metals industry, Respondent has failed to respond or provide any evidence of good faith use or intention to use, and given the incorporation of Complainant's well-known mark, there is no plausible future good faith use of the Domain Names. In fact, all the evidence points to the likelihood that the non-used Domain Names could be used to impersonate Complainant. The Panel finds that the passive holding of Domain Names containing the

distinctive DEGUSSA Mark, without any demonstrable plan to use them in bona fide or legitimate manner, constitutes bad faith registration and use.

The Panel finds on the record before it that Respondent's intention in registering some of the Domain Names was to attract, for commercial gain, Internet users to Respondent's websites by creating a likelihood of confusion with Complainant's marks as to the source, sponsorship, affiliation, or endorsement. Thus, the Panel holds that Complainant has met its burden of providing sufficient evidence that Respondent registered and is using the Domain Names in bad faith under paragraph 4(b)(iv) of the Policy.

Additionally, the coordinated registration pattern demonstrates additional evidence of bad faith. Respondent registered twelve Domain Names within a concentrated timeframe between March and May 2025, all incorporating Complainant's DEGUSSA Mark identically or with an additional term. This systematic approach to registration, combined with the use of certain active domain names for impersonation, demonstrates that Respondent intended to capitalize on Complainant's established reputation in the precious metals industry. Thus, the Panel also finds that Complainant has established bad faith under paragraph 4(b)(ii) of the Policy in that Respondent engaged in a pattern of registering the Domain Names, preventing Complainant from reflecting its DEGUSSA Mark in these Domain Names.

For the reasons set forth above, the Panel holds that Complainant has met its burden under paragraph 4(a)(iii) of the Policy and has established that Respondent registered and is using the Domain Names in bad faith.

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 Domain Names <degussa.cc>, <degussa.click>, <degussa.co>, <degussa-goldhandel.cc>, <degussa-goldhandel.tv>, <degussa.one>, <degussa.sale>, <degussa.store>, <degussa.top>, <degussa.tv>, <degussa.vip> and <degussa.website> be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: September 10, 2025