

ADMINISTRATIVE PANEL DECISION

Dana Limited v. Dmitrii Ryzhikov
Case No. D2025-2869

1. The Parties

The Complainant is Dana Limited, United States of America ("United States"), represented by McCoy Russell LLP, United States.

The Respondent is Dmitrii Ryzhikov, Serbia.

2. The Domain Name and Registrar

The disputed domain name <magnumgaskets.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 18, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 22, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 26, 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 July 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2025. On July 28, 2025, the Center received an email communication from an email address different from the Registrar's confirmed email address of the Respondent (the "July 28 email"). After the Center's email communication requesting the sender of the July 28 email to clarify its relationship with the Respondent, the Center received another email communication on July 30, 2025 which was sent using the Respondent's name but with a different email address compared to

the one provided by the Registrar. The Center on August 18, 2025 notified the Parties of the Commencement of the Panel Appointment Process.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on August 22, 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 following facts are undisputed.

The Complainant is a leading global supplier of drivetrain, sealing, thermal, and motion technologies for passenger vehicles, commercial trucks, and off-highway machinery. The Complainant offers a variety of goods including gaskets and sealing solutions designed for vehicular components, which are offered in part under the MAGNUM trademarks.

The MAGNUM trademarks have been used by Complainant throughout the world to identify its goods. The Complainant is the owner of various trademark registrations for the word MAGNUM, which has been registered in several jurisdictions for various goods and services. The trademarks of the Complainant include the United States word mark MAGNUM with no. 5,174,620, registered on April 4, 2017 for, amongst others, goods in class 7, including for gaskets.

The disputed domain name was acquired and owned by the Complainant in 2016 and was not renewed by the Complainant at some point thereafter. The disputed domain name was eventually registered by the Respondent on March 7, 2025.

At the time of filing the Complaint, the disputed domain name resolved to a webpage which displays automotive parts, including gaskets and features multiple links directing users to websites associated with Flowwow, which appears to operate as a flower and gifting marketplace.

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 the following.

The Complainant's trademark registrations of MAGNUM predate the disputed domain name. The disputed domain name contains the Complainant's trademark MAGNUM in its entirety, followed by the descriptive term "gaskets", which refers to the Complainant's goods offered under the MAGNUM trademark. This adds to the likelihood of confusion and evidences that the Respondent is intentionally seeking to divert traffic and sales intended for the Complainant.

The Respondent's use of the disputed domain name and the website is not authorized by the Complainant and intentionally deceives the consuming public by implying an association with the Complainant. There is no relationship between the Complainant and the Respondent. Now that the Respondent is also not commonly known by the name "Magnum" and has not registered any similar exclusive rights to the disputed domain name, there is no indication of legitimate interests in the registration of the disputed domain name. The Respondent is not an affiliated business or licensee of the Complainant, nor has the Complainant otherwise authorized the Respondent to register the disputed domain name or otherwise use the trademark.

The Respondent's use of the disputed domain name seeks to mislead Internet users who are familiar with the Complainant's brand, or who follow inbound links referring to the Complainant, into believing they are interacting with the Complainant or an affiliated entity.

The disputed domain name was registered and is being used in bad faith. The Respondent is misrepresenting itself as the Complainant. In fact, the website to which the disputed domain name resolves does not only show the Complainant's name (Dana), but also the logo.

B. Respondent

On July 28, 2025, the Center received an email communication from an email address different from the Registrar's confirmed email address of the Respondent, however, the Panel notes that this email address shares the same ending as the Respondent's email address, i.e., "flowwow.com". After the Center's email communication requesting the sender of the July 28 email to clarify its relationship with the Respondent, the Center received another email communication on July 30, 2025 which was sent using the Respondent's name but again with a different email address compared to the one provided by the Registrar. The Panel further notes that that email address also has the ending "flowwow.com". Therefore, the Panel finds these email communications were sent either by the Respondent or someone related to the Respondent.

The content of these two email communications is essentially the same:

"Good afternoon, please tell me what is the reason for your message?
What exactly do you think is on the site? magnumgaskets.com Are we violating?"

The Respondent did not formally 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 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the term "gaskets" 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 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 Respondent has not formally replied to the Complainant's contentions and has not rebutted the Complainant's prima facie case that the Respondent does not have a right or legitimate interest in the disputed domain name.

Even if the Respondent was offering goods or services of the Complainant on the website at the disputed domain name, the Respondent would not be considered as having a right or legitimate interest in the disputed domain name, under the so-called "Ok! Data" test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). The available record before the Panel does not show that the Respondent would meet the requirements of the Ok! Data test. The webpage to which the disputed domain name resolves, features links directing users to websites associated with Flowwow, which appears to operate as a flower and gifting marketplace. Notably, the Respondent's email is "[...].@flowwow.com", suggesting that the Respondent is directly affiliated with Flowwow or acting in concert with it. This suggests that the Respondent is attempting to exploit the goodwill associated with the MAGNUM trademarks by diverting Internet traffic intended for the Complainant to unrelated commercial sites for the Respondent's own commercial gain. Thus, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Furthermore, the Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B above.

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 Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, and endorsement of the website to which the disputed domain name resolves.

The use of the Complainant's marketing collateral, including its name and its logo evidences that Respondent was aware of prior rights in the MAGNUM trademarks and deliberately registered the disputed domain name to capitalize on that goodwill. The Respondent's knowledge of the Complainant can also be evidenced by the composition of the disputed domain name, which incorporates the Complainant's trademark, together with the term "gaskets" referring to the goods offered by the Complainant. As such, the disputed domain name was registered in bad faith.

Additionally, the disputed domain name is being used in bad faith. By continuing to display the prior collateral associated with the Complainant and the Complainant's predecessor on the website, the Respondent is actively using the disputed domain name to mislead visitors and trade on the Complainant's goodwill, which constitutes use of the disputed domain name in 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 <magnumgaskets.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: September 3, 2025