

ADMINISTRATIVE PANEL DECISION

Edwards Limited v. DBK Vietnam Import Export Company Limited
(Cong ty TNHH Xuất nhập, DBK Vietnam)
Case No. D2025-2890

1. The Parties

The Complainant is Edwards Limited, United Kingdom, represented by De Penning & De Penning, India.

The Respondent is DBK Vietnam Import Export Company Limited (Cong ty TNHH Xuất nhập, DBK Vietnam), Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <edwardsvacuum.net> is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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 25, 2025, providing additional 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 29, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 24, 2025.

The Center appointed Olga Zalomiy as the sole panelist in this matter on August 28, 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 developer and manufacturer of vacuum products. The Complainant owns numerous trademark registrations for the EDWARDS trademark, such as:

- Indian trademark registration No. 1603804 for the EDWARDS mark (word and design), registered on April 9, 2010;
- United Kingdom trademark No. UK00002453957 for the EDWARDS mark (word), registered on May 9, 2008; and
- United Kingdom trademark No. UK00001237999 for the EDWARDS COOLSTAR mark, registered on March 16, 1985.

The Complainant also owns multiple domain name registrations incorporating its trademark, such as <edwardsvacuum.com>, and <edwards-vacuum.com>.

The disputed domain name was registered on September 13, 2023. The disputed domain name resolves to a website in the Vietnamese language that purports to offer for sale the Complainant's goods. The website prominently features the Complainant's trademark and includes a representation that the operator is an official distributor of the Complainant's products.

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 identical to its EDWARDS trademark.

The Complainant alleges that it has no association with the Respondent and has not granted authorization for the Respondent to use its trademarks in the disputed domain name. The Complainant contends that the Respondent has neither engaged in noncommercial nor fair use of the disputed domain name, because the Respondent registered and is operating the website, which falsely claims to belong to a Complainant's official distributor and purports to offer for sale the Complainant's products.

The Complainant contends that the Respondent must have had constructive notice of the Complainant's rights in the EDWARDS trademark because of its trademark registrations and goodwill in multiple jurisdictions. In the Complainant's view, it is inconceivable that the Respondent was unaware of the Complainant's rights in the trademark. The Complainant argues that the Respondent's false claim of being the Complainant's "official dealer", without authorization, shows intent to mislead consumers and exploit the Complainant's reputation. The Complainant claims that such conduct proves the disputed domain name was registered and is being used in bad faith to create confusion and unlawfully profit from the well-known EDWARDS mark.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to succeed in this proceeding, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (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 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, "vacuum", 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 inclusion of the generic Top-Level Domain ".net" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [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.

The evidence on record shows that the Respondent is not commonly known by the disputed domain name. Nor has the Respondent been authorized by the Complainant to use the Complainant's trademark in a domain name. Furthermore, the Respondent is not making legitimate noncommercial or fair use of the disputed domain name or uses it for bona fide offering of goods or services, because the disputed domain name directs to a website which poses for a Complainant's authorized distributor. The website under the disputed domain name displays the Complainant's trademark and information about the Complainant making it look like it is affiliated with the Complainant. Such use is inaccurate and misleading, and does not amount to a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. [WIPO Overview 3.0](#), section 2.8.

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 Respondent registered the disputed domain name incorporating the Complainant's EDWARDS trademark and the descriptive term "vacuum" many years after the Complainant's first trademark registration. The Respondent's lack of rights or legitimate interests in the disputed domain name, the absence of a credible explanation for choosing the disputed domain name, and the Respondent's use of the Complainant's trademark on its website, which creates an impression of an affiliation with the Complainant, all indicate that the disputed domain name was registered in bad faith.

The UDRP establishes that, for purposes of paragraph 4(a)(iii), "bad faith" registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation or endorsement of the respondent's website or location, or of a product or service on the respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, [...], and (vi) absence of any conceivable good faith use". [WIPO Overview 3.0](#), section 3.1.4.

Here, the website at the disputed domain name is designed to look like a website of an authorized representative of the Complainant. The Respondent's website prominently displays the Complainant's EDWARDS trademark, a statement that it is an authorized dealer of the Complainant and information about the Complainant. Given the above and the fact that the Respondent has no rights or legitimate interests in the disputed domain name, the Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, the Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or location, or of a product or service on the Respondent's website or location.

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 <edwardsvacuum.net> be transferred to the Complainant.

/Olga Zalomiy/

Olga Zalomiy

Sole Panelist

Date: September 8, 2025