

## **ADMINISTRATIVE PANEL DECISION**

**SCUTUM v. Wolfgang Eibl, Peter Eibl**  
**Case No. D2025-2907**

### **1. The Parties**

The Complainant is SCUTUM, France, represented by Cornet Vincent Segurel, France.

The Respondent is Wolfgang Eibl, Peter Eibl, self-represented, Austria,

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

The disputed domain name <scutum.com> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 2025. On July 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 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 (“unknown”) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 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 30, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. The Response was filed with the Center on August 18, 2025.

The Center appointed W. Scott Blackmer 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.

The Complainant submitted a supplemental filing with additional annexes on August 29, 2025, and the Respondent submitted a supplemental filing in reply on August 31, 2025, also annexing additional documents.

#### 4. Factual Background

The Complainant is an international electronic security and fire safety firm organized as a company under French law and headquartered in Paris, France, with 74 offices worldwide, more than 2,300 employees, and 2023 revenues exceeding EUR 320 million. The Complainant provides remote monitoring and surveillance for some 335,000 sites, as well as cybersecurity for small and medium-sized businesses and teleassistance for the elderly and dependents.

Beginning with services in France in 1990, the Complainant has expanded over the years across the European Union (“EU”) including Austria, where the Respondent is located, the United Kingdom (“UK”), and the United States of America (“United States”). The Complainant operates a website for Scutum France in French and English at “www.scutum.fr” (registered on September 30, 1998; screen captures archived since 2001) and an international website in multiple languages (including German) at “www.scutum-group.com”, with linked social media sites. The domain name for the international site was registered in 2017, and other domain names such as <scutum.international> have redirected to it since at least 2018, based on screen captures from the Internet Archive’s Wayback Machine<sup>1</sup>. The Complainant reaches the UK market with a dedicated website at “www.scutum.uk” and the United States market with a website at “www.scutum-na.com”.

The Complainant offers evidence that the Complainant’s sites appear frequently among the first search engine results for an Internet search on “scutum”. The Panel notes, however, that search results are affected by the user’s selected language and location. In a search on “scutum” with a browser set for an English or German user, for example, the Complainant’s sites appear much further down the list and less frequently, among historical, astronomical, and biological uses of the term.

The Complainant derives its name from Latin “*scutum*” (shield), and it has registered SCUTUM word and design trademarks including the following word marks:

Mark	Jurisdiction	Reg. Number	Reg. Date	Goods or Services
SCUTUM (word)	France	95596379	November 8, 1995	IC 9, 37, 38, 42, 45
SCUTUM (word)	European Union	008652778	May 3, 2010	IC 9, 37, 41, 42, 45

The disputed domain name was created on December 7, 1998, and is registered to the Respondent Wolfgang Eibl, listing his organization as “Peter Eibl” with a postal address in Austria and a contact email at [xxx@]eibl.com. The Panel notes that the Response was filed in the name of “Wolfgang Peter Eibl”. The domain name <eibl.com> resolves only to a landing page with silhouette drawings of people and no text, as it has done since at least 2011, based on screenshots from the Wayback Machine.

The Respondent identifies himself as the original registrant of the disputed domain name. The Respondent notes that “scutum” is the name of a constellation (shaped like a shield), and he furnishes evidence that on the same day, December 7, 1998, he registered other Latin-derived domain names on an astronomical theme, some based on the names of other constellations, including <telescopium.com>, <megatonic.com>, <vulpecula.com>, and <canesvenatici.com>.

<sup>1</sup>Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

The disputed domain name itself seems to have been unused for long periods of time, but the Panel notes that the Wayback Machine has screen captures in the period 2013-2019 showing that it resolved to a landing page with pay-per-click (“PPC”) “sponsored” advertising links, as described in the footer. The links that are visible in the screen captures typically referred to astronomical topics and not to commercial security or fire prevention and alarm services.

The Complainant states that it became aware of the registration of the disputed domain name in May 2025, and, in order to protect its interests and assert its rights while seeking a swift resolution to the issue it employed a domain consultant, who learned that the disputed domain name was owned by the Respondent and had been dormant for a long time. The consultant contacted the Respondent about purchasing the disputed domain name, without identifying the Complainant. In an email dated May 16, 2025, the Respondent said he had not planned to sell the disputed domain name, but “never say never”. The Respondent commented as follows:

“If this is a high-profile client, the best thing they can do is make a ridiculously high offer.

To give you some insight into my thinking around valuing scutum.com, imagine this: a global cybersecurity leader offering its services to millions of customers under scutum.com. ...

So, here’s my principle: I never want to regret a sale the moment I find out who’s using my domain for a wildly profitable enterprise.

Companies use agents for stealth acquisitions all the time. That’s why I treat every prospective buyer equally: as if they’re a member of the NASDAQ.

It’s not primarily about money. It’s about potential.

Negotiating this potential is my hedge.

The potential of scutum.com is, frankly, limitless. If I intended to sell it, I would first seek out the company that best aligns with the asset’s value.

If an armorer were interested, that would make sense. But no weaponsmith could finance its future.

If CrowdStrike, or a serious player in the defense or cybersecurity industry, were to make an offer that reflects their market position—then yes, I’d consider changing my mind.”

The consultant advised the Complainant to let the Respondent know that he was not dealing with a NASDAQ company and start with an offer of USD 10,000. Instead, the Complainant authorized the consultant to offer USD 5,000, and the Complainant claims the Respondent never replied. This proceeding followed.

## **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 or confusingly similar to its registered SCUTUM trademark, which the Respondent has no permission to use. The Complainant observes that the Respondent does not have a corresponding name and has not made use of the disputed domain name. Instead, the Respondent has proposed selling the disputed domain name only for a “ridiculously high sum”, indicating an intent to profit from the Complainant’s trademark. The Complainant observes that, “The Respondent registered the disputed domain name on December 7, 1998, only three

months after the Complainant registered its domain name on September 30, 1998.” Therefore, the Complainant infers that the Respondent was aware of the Complainant and its trademark and sought to prevent the Complainant from reflecting its mark in a corresponding domain name. The Complainant cites the frequency of “scutum” Internet search results pointing to the Complainant, as mentioned above, and argues that the Respondent’s reaction to the domain consultant in 2025 was disingenuous in pretending not to understand that the consultant was likely inquiring on behalf of the Complainant. The Complainant also cites the “passive holding” doctrine enunciated in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), arguing that the Respondent has been holding the disputed domain name all these years in bad faith with no plausible reason other than to exploit the Complainant’s trademark.

In its supplemental filing, after reviewing the Response, the Complainant argues that the Respondent continues to conceal its identity and has not proven that “Wolfgang Peter Eibl” even exists. “This suggests that the person behind this pseudonym uses many others and potentially holds numerous other domain names through these additional pseudonyms”. The Complainant’s supplemental filing attaches reverse Whois registration data concerning three other domain names with the same contact email address used in registering the disputed domain name, one of which is <azureservices.com>, which is similar to the name of the “Azure” data services offered by Microsoft. This resolves only to an undeveloped landing page “for business travelers and airport authorities”. The Complainant implies a pattern of registering domain names exploiting the reputation of others without intent to put them to use to for legitimate purposes.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent does not challenge the Complainant’s trademark rights but denies targeting them. The Respondent denies being a domain trader. He states that he has not ever actually sold domain names. The Respondent demonstrates that he registered several astronomically themed domain names on the same day in 1998 along with the disputed domain name and contends that he was unaware of the Complainant. He points out that the Complainant did not establish an Austrian entity until 2022, which is now listed as dormant. The Respondent claims a legitimate interest in using the disputed domain name for its dictionary sense and denies targeting the Complainant’s mark. He contends that the record does not establish the Complainant’s supposed global fame in 1998 when he registered the disputed domain name. He argues that the Complainant’s assertions about an internationally known mark are based instead on its later expansion and its own press releases. The Respondent states that he developed the disputed domain name for a website with information on “travel insurance and expat coverage”, furnishing a screenshot of Wayback Machine indicating screen captures taken from 2011 through 2019 but not displaying its contents. The only screen capture provided by the Respondent taken from Wayback Machine was of a landing page with the mentioned PPC advertising links related to astronomical topics, taken on June 15, 2013 .

The Respondent requests a finding of reverse domain name hijacking (RDNH) because the Complainant should have known it could not prevail due to “the long-standing registration for a dictionary/constellation term; the absence of targeting; the misleading presentation of timelines; and the reliance on self-promotional materials rather than evidence of 1998 notoriety”.

In response to the Complainant’s supplemental filing, the Respondent states that he registered <azureservices.com> on September 15, 2003, based on the dictionary word “azure” (attaching the Whois record). The Respondent observes that Microsoft announced Windows Azure five years later in October 2008, according to press releases reported in the media at the time. The Panel notes that this is consistent with the Wikipedia article, “Microsoft Azure”. The Respondent also asserts that the Complainant improperly obtained and used personal information to continue contacting the Respondent concerning the potential sale of the disputed domain name during these proceedings, suggesting that this harassment reinforces the merits of the Respondent’s claim for a finding of RDNH. (The Respondent refers to a potential complaint to the appropriate data protection authorities.)

## **6. Discussion and Findings**

### **6a. Preliminary Issue: Supplemental Filings**

The Rules provide for a Complaint and Response and do not contemplate repeated amendments and supplemental filings. Paragraph 10 of the Rules gives the Panel “the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition”. Paragraph 12 provides that it is in the Panel’s sole discretion to request further statements or documents from the parties. Unsolicited filings are generally discouraged and tend to be permitted exceptionally where additional supporting evidence is required, a relevant claim has not been addressed, or fairness calls for an opportunity to respond to the opposing party. [WIPO Overview 3.0](#), sections 4.6, 4.7.

Here, the Complainant’s reply is brief and partly concerns material that is new to the Response concerning the Respondent’s registration of other domain names. The Panel also notes that complainants often, in fairness, request an opportunity to reply in cases such as this where RDNH is alleged. The Respondent in turn addresses these issues factually. Accordingly, the Panel accepts the Parties’ supplemental submissions to the extent that they furnish material new evidence and arguments on these issues.

### **6b. Substantive Matters**

#### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered SCUTUM word 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Panel reads the Response (which was not prepared by legal counsel) as claiming a legitimate interest in the disputed domain name for eventual use in connection with its dictionary meaning in reference to the Scutum constellation. As discussed further below, this is a plausible reason for registering the disputed domain name, especially given that the Respondent registered other domain names on the same day that are similarly identical to the Latin names of constellations or otherwise correspond to astronomical terms. However, in more than 26 years since registering the disputed domain name, the Respondent has not used it

for a website, commercial or noncommercial, relating to astronomy, nor does the Respondent offer evidence of demonstrable preparations to do so, consistent with the Policy, paragraphs 4(c)(i) or (iii). The only apparent use of the disputed domain name was for a page containing advertising links for a few months in 2013.

Nevertheless, Panels have also recognized that aggregating or holding domain names consisting of dictionary words, as is the case here, can be bona fide if this is not a pretext for attacking a trademark. [WIPO Overview 3.0](#), sections 2.1, and 2.10. Thus, the Respondent's claim is better tested in the following section on bad faith, as the Complainant asserts that the Respondent was indeed likely aware of the Complainant's SCUTUM mark in 1998 and selected the disputed domain name for its trademark rather than its dictionary significance.

### **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. All of these depend on establishing the likelihood that the Respondent intentionally targeted the Complainant's trademark.

In the present case, the Panel notes that the Respondent claims to be the original registrant of the disputed domain name. This accords with the Respondent's registration of similar "astronomically themed" ".com" domain names on the same day in December 1998. The Respondent denies prior awareness of the Complainant or its SCUTUM mark. The Complainant challenges this narrative, relying on the facts that it registered its trademark three years previously in France and its domain name <scutum.fr> less than three months before the Respondent registered the disputed domain name, inferring that the Respondent must have been aware of the Complainant and its mark. This inference is not persuasive. There is no evidence presented to suggest that the Respondent would necessarily have been aware of the Complainant's French trademark, albeit dating from 1990, or ".fr" domain name registration. The record does not establish the Respondent's fame in 1998. The record indicates that the Complainant was not established in Austria until 2022, and the earliest archived screenshots of the Complainant's website, submitted with the Complaint, date from 2001. Moreover, while the Respondent's reaction to the Complainant's offer implies his knowledge of the Complainant at the time in 2025, if the Respondent acquired the disputed domain name "primarily" to sell it to the Complainant for an excessive price or disrupt its business, as the Complainant contends, the Respondent showed little eagerness to act on those motives over the course of more than a quarter of a century.

The Complainant raised an argument in its supplemental filing questioning the Respondent's identity and suggesting that the Respondent is a serial cybersquatter. This argument lacks factual foundation. The Complainant and the Center have been able to communicate with the Respondent, who is participating in this proceeding and provides evidence concerning his other domain name registrations. The record in this proceeding does not suggest that these registrations are examples of Policy or trademark abuses.

On balance, the Panel finds the Respondent's account of the registration of the disputed domain name is credible and undermines the Complainant's case.

The same observations concerning the Respondent's credible denial of prior awareness of the Complainant and its mark apply to the Complainant's argument for a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds the third element of the Policy has not been established.

The Panel finds under the same factual analysis that the evidence presented shows that Respondent likely registered the disputed domain name for its dictionary significance and not as a pretext to exploit the Complainant's SCUTUM mark, and thus that the Respondent can claim a legitimate interest in the disputed domain name for Policy purposes. The Panel finds, therefore, that the second element of the Policy also has not been established.

### **Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

Here, the Complainant, represented by counsel, justly can be faulted for not satisfactorily addressing the facts that the disputed domain name consists of a single dictionary word and has not been used in more than 26 years to attack the Complainant, submitting a record that did not establish that the mark was well known outside France in 1998. The Complainant had been in business since 1990, eight years before the disputed domain name was registered, so in theory the Complainant might have found evidence of prior knowledge on the part of the Respondent and targeting of the Complainant's mark, but the Complaint does not reveal such evidence. It was incumbent on the Complainant to make a case that the Respondent had its mark in contemplation. The Complainant should have been aware that, under the Policy, bad faith would have to be demonstrated at the time of registration, and that the fact that the registrant demanded a high price for the disputed domain name based on its current market value would be insufficient to prove the registrant's intentions 26 years ago. Complainants bear the ultimate burden of proof on all material issues and cannot expect to prevail on speculation and innuendo.

The Panel must also question the good faith of the Complainant in light of the Complainant's decision to continue pursuing the Complaint following the Response showing that the Respondent was likely the original registrant in 1998 and also registered multiple, similarly themed, dictionary domain names on the same date as the disputed domain name. The Complainant then doubled down with a supplemental filing suggesting that the Respondent was a serial cybersquatter, evidently not bothering to check that the other dictionary word in that instance, "azure", was registered as a domain name five years before Microsoft announced that it planned to use that word for a product name. The Complainant's supplemental filing also questioned the Respondent's identity, although that has not seriously been in question in this proceeding. This course of conduct reflects a strategy that is not legally or factually well-grounded and hence may be deemed abusive.

The Panel finds that the Complaint has been brought in bad faith within the meaning of the Policy and constitutes an attempt at Reverse Domain Name Hijacking.

### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: September 15, 2025