

## **ADMINISTRATIVE PANEL DECISION**

Swatch AG v. Maxwell Joyce, Joyce Maxwell, Thornton Marie, Marie Thornton, Fox Ted, Ted Fox, Fred Mark, Mark Fred, Wagner Jay, Jay Wagner

Case No. D2025-2979

### **1. The Parties**

The Complainant is Swatch AG, Switzerland, internally represented.

The Respondents are Maxwell Joyce, Joyce Maxwell, Germany, Fox Ted, Ted Fox, Germany, Fred Mark, Mark Fred, Germany, Wagner Jay, Jay Wagner, Germany, and Thornton Marie, Marie Thornton, United States of America (“U.S.”).

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

The disputed domain names <swatch-au.com>, <swatch-ca.com>, <swatch-ch.com>, <swatch-nz.com>, and <swatch-uk.com> are registered with CNOBIN Information Technology Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 30, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (individual/entity of unknown nature; owner of Disputed Domains) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 30, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all the disputed domain names are under common control. The Complainant filed an amended Complaint on August 4, 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 Respondents of the Complaint, and the proceedings commenced on August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on August 28, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on September 3, 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 leading global manufacturer and retailer of watches, jewelry, and associated products and services. It was established in 1983 and owns or controls several renowned watch brands, including SWATCH. The Company is a subsidiary of The Swatch Group Ltd.

The Complainant owns numerous trademark registrations for the mark SWATCH in jurisdictions around the world. For the purposes of this proceeding, the Complainant relies in particular on the following trademark registrations:

- U.S. Trademark SWATCH (figurative), Registration No. 1356512, registered on August 27, 1985, in international class 14.
- Chinese Trademark SWATCH (figurative), Registration No. 232954, registered on September 15, 1985, registered in class 14.
- European Union Trademark SWATCH, Registration No. 000226316, registered on November 12, 1998, in class 14.

The Complainant also owns and operates numerous domain names incorporating the SWATCH trademark, including <swatchgroup.com>, and it is active in both traditional retail and e-commerce channels worldwide.

The SWATCH trademark is extensively advertised, enjoys widespread recognition, and has been in continuous use for decades.

The disputed domain names <swatch-au.com>, <swatch-ca.com>, <swatch-ch.com>, and <swatch-uk.com> were registered on July 5, 2025, and the disputed domain name <swatch-nz.com> was registered on January 6, 2025.

The disputed domain names resolved to websites that were essentially unauthorized duplicates of Complainant’s official online presence. The Respondent operated the disputed domain names as a slavish copy of Complainant’s official website, reproducing copyrighted content and logos without authorization, and purportedly offering the Complainant’s products for sale.

#### **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 names.

## B. Respondents

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

## 6. Discussion and Findings

### 6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- The disputed domain names demonstrate identical operational patterns and registration characteristics that establish common control. Four of the five disputed domain names (<swatch-au.com>, <swatch-ca.com>, <swatch-ch.com>, and <swatch-uk.com>) are linked to websites with identical content, design, and functionality, while the remaining disputed domain name <swatch-nz.com> operates an essentially identical website featuring the same copied elements and structure. All websites prominently display Complainant's official logos and branding in their headers and throughout their content, indicating coordinated operation under unified control.
- Registration patterns further confirm common ownership across all disputed domain names. Four disputed domain names <swatch-au.com>, <swatch-ca.com>, <swatch-ch.com>, and <swatch-uk.com> were registered simultaneously on the same day using the identical email address, demonstrating deliberate coordination in the registration process. The fifth disputed domain name <swatch-nz.com>, while registered on a separate day, follows the exact same naming convention and operational pattern as the other four, operates an essentially identical website, and was registered by an entity providing an invalid address, suggesting deliberate concealment of true identity while maintaining the same operational approach.
- All disputed domain names share identical structural characteristics, each incorporating Complainant's trademark followed by a country abbreviation, indicating a systematic registration strategy targeting multiple geographical markets.
- Additionally, all disputed domain names were registered through the same Registrar, further supporting the conclusion of unified control and coordinated registration activity designed to exploit the Complainant's trademark across multiple domain name variations.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

## 6.2. Substantive issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to each 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; 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. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See [WIPO Overview 3.0](#), section 4.3.

### 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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of terms like "AU", "CA", "CH", "NZ", and "UK" may bear on assessment of the second and third elements, the Panel finds the addition of terms does not prevent a finding of confusing similarity between the Domain Names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 Panel considers that the record of this case reflects that:

- The registration of the Complainant's trademark pre-dates the registration of the disputed domain names by several decades.
- The disputed domain names incorporate the Complainant's SWATCH mark in its entirety, with the addition of geographical indicators.
- The Respondent has made unauthorized use of the Complainant's copyright material on its websites, including the Complainant's logotype and mark, product photographs and descriptions, and marketing images.
- The Respondent's websites have the "look and feel" of the Complainant's website.
- The Respondent is in default.
- The Complainant's mark SWATCH is so famous that the Panel is prepared to infer that the Respondent knew, or should have known, that its registration would be confusingly similar to the Complainant's trademarks (see [WIPO Overview 3.0](#), section 3.2.2). In this case the Complainant's marks were plainly targeted by the Respondent (*Swatch AG v. Domain Admin*, WIPO Case No. [D2025-0583](#)).

The Panel is of the view that the Respondent uses the disputed domain names to operate websites purportedly offering the Complainant's branded watches under conditions evidencing bad faith. Specifically, it sells these products at unrealistically low prices. This conduct strongly suggests either counterfeit products or a fraudulent scheme where no products are delivered after payment, constituting bad faith use of the disputed domain names to deceive consumers and damage the Complainant's reputation.

Additionally, the Respondent's registration of five disputed domain names incorporating the SWATCH trademark with country variants demonstrates a pattern of systematic registration targeting the Complainant's brand across multiple territories. This coordinated registration strategy further evidences bad faith.

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 names <swatch-au.com>, <swatch-ca.com>, <swatch-ch.com>, <swatch-nz.com>, and <swatch-uk.com> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: September 17, 2025