

ADMINISTRATIVE PANEL DECISION

INDUSTRIAS GALFER S.A. v. beats

Case No. D2025-3026

1. The Parties

The Complainant is INDUSTRIAS GALFER S.A., Spain, represented by March Trade Mark, S.L. (FIELDFISHER), Spain.

The Respondent is beats, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <galfer.com> is registered with Megazone Corp., dba HOSTING.KR (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 29, 2025. On July 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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.

On August 4, 2025, the Center informed the parties in Korean and English, that the language of the registration agreement for the disputed domain name is Korean. On August 8, 2025, the Complainant requested English to be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission.

The Center verified that the Complaint together with the amendment to the 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 in English and Korean of the Complaint, and the proceedings commenced on August 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 5, 2025.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on September 18, 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 Spanish company which has manufactured and sold brake discs and brake calipers for motorcycles, quads, and bicycles since 1952. The Complainant's products are sold through its physical stores and distributors, as well as its website at the domain name <galfer.eu> which was registered on December 20, 2012. The Complainant owns a number of trademark registrations for the GALFER mark, including the United States of America Trademark Registration Number 74281722 registered on November 16, 1993, and Australian Trademark Registration Number 1190701 (stylized) registered on July 31, 2007.

The Respondent appears to be an individual or entity with an address in the Republic of Korea.

The disputed domain name was registered on December 29, 2015, and as of the date of the Complaint, resolved to a website displaying pay-per-click ("PPC") links to the following terms: "Galfer Rotors", "Galfer Brake Pads", and "Brake Pads."

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 the GALFER mark in which the Complainant has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The objective of the Respondent was to take an unfair advantage of the reputation acquired by the Complainant in the market.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Namely, the Complainant contends that the disputed domain name resolves to a website displaying links to Galfer brake discs and brake calipers and that such use causes confusion to Internet users and harms the reputation and economic interests of the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Korean. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that the Complainant is based in Spain and that translating the Complaint to Korean would result in unnecessary delay and cost.

The Respondent did not comment on the Complainant's request for the language of the proceedings to be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1). Here, the website at the disputed domain name displays links in the English language, both Parties were given an opportunity to submit arguments in the language of their preference, and the Respondent neither raised an objection as to the language of the proceedings nor submitted any arguments whatsoever in these proceedings.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

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 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.

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.

Furthermore, the disputed domain name identical to the Complainant's trademark resolves to a website with PPC links referencing the Complainant. Accordingly, the Respondent's use of the disputed domain name is not considered to be "a bona fide offering." [WIPO Overview 3.0](#), section 2.9.

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.

Section 3.1 of the [WIPO Overview 3.0](#) provides that bad faith under the UDRP is "broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark". Here, evidence suggests that the Respondent likely knew of the Complainant when registering the disputed domain name. First of all, the Respondent has given no explanation for having registered this particular term. Further, information on the Complainant and its trademark would have been easily discoverable through an Internet search. In fact, the Panel's Google search for "galfer" for the five-year period preceding the date of registration of the disputed domain name showed results which appear to be almost exclusively in connection with the Complainant.

Therefore, with no explanation to the contrary from the Respondent, the Panel finds that the Respondent more likely than not registered the disputed domain name with knowledge of the Complainant and its trademark in order to unfairly profit from the likelihood of association with the Complainant's trademark and the products using the trademark.

Also, by linking the disputed domain name with a parking page displaying PPC links to GALFER brake products that are the very goods of the Complainant, the Respondent has intentionally attempted to attract, Internet users by creating a likelihood of confusion and likely benefited commercially from the confusion of Internet users that visited the site by mistake as per paragraph 4(b)(iv) of the Policy.

Lastly, the Panel takes note of the various prior UDRP decisions rendered against the Respondent that indicate a pattern of bad faith conduct on part of the Respondent, *e.g.*, *Nike Innovate C.V. v. beats*, WIPO Case No. [D2021-3824](#); *LIDL Stiftung & Co. KG v. beats*, WIPO Case No. [D2020-2659](#).

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 <galfer.com> be transferred to the Complainant.

/Ik-Hyun Seo/

Ik-Hyun Seo

Sole Panelist

Date: September 30, 2025