

## **ADMINISTRATIVE PANEL DECISION**

Viessmann Generations Group GmbH & Co. KG v. Ewan Rowley  
Case No. D2025-3049

### **1. The Parties**

The Complainant is Viessmann Generations Group GmbH & Co. KG, Germany, represented by Fortmann Tegethoff Patent- und Rechtsanwälte, Germany.

The Respondent is Ewan Rowley, United Kingdom.

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

The disputed domain name <viessmann-sports.com> is registered with IONOS SE (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 31, 2025. On July 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 1, 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 August 4, 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 amendment to the Complaint on August 6, 2025.

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 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 August 29, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on September 2, 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 the trademark licensor to Viessmann Climate Solutions a major provider of heating, cooling, ventilation, and electricity generation products.

The Complainant is the proprietor of trademark registrations for the term VIESSMANN worldwide, covering goods and services not only concerning heating and cooling equipment, but sports events, and sports sponsoring.

The Complainant is the owner of the following trademarks listed below, among others:

Trademark	Jurisdiction	Reg. Number	Status	Classes	Date of registration
VIESSMANN	United Kingdom	UK00909058355	Registered	9, 11, 37	October 4, 2010
VIESSMANN (figurative)	United Kingdom	UK00909058405	Registered	9, 11, 37	October 12, 2010
VIESSMANN (figurative)	United Kingdom	UK00002000860	Registered	9, 11	December 1, 1995

The Complainant operates websites located at “[www.viessmannclimatesolutions.com](http://www.viessmannclimatesolutions.com)” and “[www.viessmann-climatesolutions.com](http://www.viessmann-climatesolutions.com)”.

The disputed domain name was registered on September 22, 2022. The disputed domain name resolves to a website with gambling contents under the heading “Viessmann Sports. Blog About Sports Betting”. It contains a link leading to a commercial online gaming site name “Rajbet” offering a variety of online games to be played for a fee, following registration with the website.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the cancellation of the disputed domain name.

The complainant requests the cancellation of the disputed domain name.

##### B. Respondent

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

## 6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 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 like "sports" 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 Panel visited the Complainant's website<sup>1</sup> in the exercise of its discretionary powers to conduct limited independent research as authorized under the UDRP Rules, paragraph 10, and consistent with established panel practice as reflected in [WIPO Overview 3.0](#), section 4.8. This independent verification confirmed that the Complainant has participated as a sponsor with its VIESSMANN trademark in numerous well-known sporting events. The Panel has verified that the Complainant has sponsored with its trademark prominent sports teams and athletes since 1993, including FC Bayern Munich football club, biathlon competitors, ski jumping athlete Katharina Althaus, and various winter sports teams, demonstrating extensive use of the VIESSMANN trademark in international sporting competitions.

Consequently, the association of the Complainant's trademark with the term "sports" in the disputed domain name is susceptible of creating confusion among Internet users. In addition, the Panel is of the view that associating the Complainant's trademark with gambling activity can never confer rights or legitimate interests on the Respondent.

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 finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under UDRP Policy paragraph 4(a)(iii). The disputed domain name directly combines the Complainant's well-known VIESSMANN trademark with the term "sports", creating a misleading impression of official association with the Complainant's extensive sports sponsorship activities.

Given that the Complainant has sponsored prominent sports teams and athletes since 1993, including FC Bayern Munich football club, biathlon competitors, ski jumping athletes, and various winter sports teams, Internet users are likely to believe that the disputed domain name is operated by or affiliated with the Complainant.

By registering a domain name that incorporates the Complainant's trademark in direct connection with "sports"—a field in which the Complainant has established significant commercial presence through its sponsorships—the panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, in accordance with UDRP Policy paragraph 4(b)(iv).

The bad faith nature of the Respondent's conduct is further evidenced by the use of the disputed domain name to host gambling content, which takes unfair advantage of the goodwill associated with the VIESSMANN mark. The combination of the nature of the disputed domain name with gambling activities—particularly under a domain name that suggests sports-related content—demonstrates a clear intent to mislead consumers and profit from the Complainant's established reputation in sports sponsorship. This deliberate targeting of the Complainant's trademark in combination with a term directly related to the Complainant's sponsoring activities, coupled with the provision of gambling services, constitutes clear evidence of bad faith registration and use.

The Panel finds that the Complainant has established the third element of the Policy.

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<sup>1</sup> See "[www.viessmann-climatesolutions.com/en/sponsoring.html](http://www.viessmann-climatesolutions.com/en/sponsoring.html)"

## **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 <viessmann-sports.com> be cancelled.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: September 16, 2025.