

## **ADMINISTRATIVE PANEL DECISION**

VDA Verband der Automobilindustrie e.V. v. Jorge Garcia, TCM84 Solutions  
Case No. D2025-3362

### **1. The Parties**

The Complainant is VDA Verband der Automobilindustrie e.V., Germany, represented by Kroher Strobel Rechts- und Patentanwälte PartmbB, Germany.

The Respondent is Jorge Garcia, TCM84 Solutions, Spain.

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

The disputed domain name <todoadblue.com> is registered with Soluciones Corporativas IP, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 the same day, the Center informed the parties that the language of the registration agreement for the disputed domain name is Spanish. On August 22, 2025, the Complainant confirmed its request that English be the language of the proceeding and submitted an amended Complaint in English.

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, in Spanish and English, of the Complaint, and the proceedings commenced on August 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2025. No response was received by the due date. Accordingly, the Center notified the Respondent’s default on September 15, 2025.

On September 15, September 18, 2025, and September 19, 2025, the Center received brief email communications in Spanish from a third party claiming a connection to the Respondent. On September 18, 2025, the Center acknowledged in Spanish and English receipt of these communications.

The Center appointed Matthew Kennedy 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 an interest group of the German automotive industry, including both automobile manufacturers and automobile component suppliers. The Complainant pursues the interests of the German automotive industry in sectors such as the aftermarket, electric mobility, logistics, and customs and excise. The Complainant holds multiple trademarks for ADBLUE including the following:

- International trademark registration number 811899 for ADBLUE, registered on August 8, 2003, designating multiple jurisdictions, including Spain, specifying goods in class 1, including urea; and
- European Union trademark registration number 008526717 for ADBLUE, registered on March 8, 2010, specifying goods and services in classes 6, 7, 9, 20, 35, and 42, including exhaust gas treatment installations and parts therefor, for internal combustion engines, including storage tanks and dosing devices for fuels, fuel additives, or urea.

The above trademark registrations are current. The Complainant uses the ADBLUE mark for an aqueous solution of urea that reduces the levels of nitrogen oxides (NO<sub>x</sub>) emissions from diesel engines. The urea is stored in a separate tank in a vehicle. The driver pumps the urea via a special filler pipe. A dosing module ensures that the right quantity is injected into the vehicle's exhaust system. Sensors measure the concentration of NO<sub>x</sub> and the temperature. The Complainant has established a licensing system for companies in the chemical industry who supply and manufacture ADBLUE urea. According to evidence presented by the Complainant, several of the licensees are in Spain. The Complainant also operates a website in connection with the domain name <vda.de> where it provides information about itself and its activities.

The Respondent is a business in Spain.

The disputed domain name was registered on September 22, 2016. It resolves to a website in Spanish that prominently displays a "TODO•ADBLUE" logo (meaning "Everything Adblue"). The website offers for sale what purport to be "Adblue" tanks, pumps, liter counters, transfer kits, injectors, level sensors, dispensers, and accessories. Prices are displayed in EUR.

The disputed domain name registration is due to expire on September 22, 2025. At the date of this Decision, it has not yet expired.

#### **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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its ADBLUE mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant did not authorize the Respondent's use and registration of the disputed domain name. There is no connection between the Complainant and the Respondent. The disputed domain name is used to host a website offering goods identical to those of the Complainant, i.e., urea solution and corresponding equipment such as pumps. The Respondent's goods can be readily identified without the use of the ADBLUE trademark, such as with the descriptive terms "DEF" (diesel exhaust fluid) or "urea solution".

The disputed domain name has been registered and is being used in bad faith. The Respondent had knowledge of the Complainant's rights in the ADBLUE trademark at the time when it registered the disputed domain name. The Respondent uses the disputed domain name in connection with a website that offers urea solution for the reduction of NO<sub>x</sub> emissions in vehicles and corresponding equipment. There is no reason that could justify the use of the Complainant's ADBLUE trademark in order to offer these goods.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. Brief email communications were received after the due date for Response from a third party individual using a different email address who claimed to be an administrator of the Respondent organization together with the Respondent's contact person. The third party submitted that it did not know what the problem was and alleged that the disputed domain name was provided to them by a domain name manager. The Panel notes that certain obligations arise from the registration of a domain name, so the Panel will consider the Registrar-confirmed registrant of the disputed domain name as the Respondent.

## **6. Discussion and Findings**

### **6.1 Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Spanish. 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 proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English, on the grounds that this is the language of commerce, and that it does not speak Spanish but does speak English.

Despite the Panel having sent the Notification of Complaint and Commencement of Administrative Proceeding, and an email regarding the language of the proceeding, in both Spanish and English, the Respondent did not make any submission by the due date. Brief email communications received in Spanish from a third party.

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.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English, but it will not require translation of the email communications in Spanish.

## 6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements:

- (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.

### 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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the ADBLUE trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ADBLUE mark is reproduced within the disputed domain name. Despite the addition of the word "todo" (meaning "everything" or "all"), the mark is recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name resolves to a website that prominently displays the ADBLUE mark and offers for sale what purport to be ADBLUE parts for exhaust gas treatment installations. The Complainant submits that it has not authorized the Respondent to use the ADBLUE trademark. The Respondent is not one of the Complainant's licensees. However, the website gives the impression that the Respondent is affiliated with, and that the parts offered for sale are endorsed by, the Complainant. In addition, the composition of the disputed domain name (meaning "Everything ADBLUE") creates a high risk of implied affiliation with the Complainant. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Nor is this a legitimate noncommercial or fair use of the disputed domain name. Further, the Registrar has verified that the Respondent's organization name is "TCM84 Solutions" and that its contact person's name is "Jorge

Garcia”, neither of which resembles the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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. Even if account is taken of the email communications received from a third party, he alleged that the disputed domain name was provided to the Respondent by a domain name manager, which does not demonstrate any rights or legitimate interests for the purposes of the Policy.

Based on the record, 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 fourth of these circumstances is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted 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 the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] web site or location.”

In the present case, the disputed domain name was registered in 2016, years after the registration of the Complainant’s ADBLUE trademarks, including in the European Union, where the Respondent is based. The disputed domain name wholly incorporates the ADBLUE mark, which is a coined term. The disputed domain name resolves to a website offering what purport to be ADBLUE parts for the specific type of goods with which the Complainant’s mark is used. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain name with the Complainant’s mark in mind.

As regards use, the disputed domain name resolves to a website giving the false impression that the Respondent is affiliated with, and that the parts offered for sale are endorsed by, the Complainant. Accordingly, the disputed domain name operates by intentionally attempting to attract, for commercial gain, Internet users to the Respondent’s website by creating a likelihood of confusion with the Complainant’s ADBLUE mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website and of the products on that website, within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <todoadblue.com> be cancelled.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: September 19, 2025