

## **ADMINISTRATIVE PANEL DECISION**

Stormoff N.R.W. GmbH v. Yerkin Dlimbetov

Case No. D2025-3367

### **1. The Parties**

Complainant is Stormoff N.R.W. GmbH, Germany, represented by Patentanwälte Isenbruck Bösl Hörschler PartG mbB, Germany.

Respondent is Yerkin Dlimbetov, Germany.

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

The disputed domain name <dixion.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2025. On August 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 (not available / Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on August 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 28, 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 Respondent of the Complaint, and the proceedings commenced on August 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2025, and was extended until September 26, 2025, upon Respondent’s request. Respondent sent email communications to the Center on various occasions in August and September 2025 and filed a Response on September 20, 2025. On September 23, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on September 30, 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**

Complainant is a company organized under the laws of Germany that is active in the medical device industry.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its brand DIXION, including, but not limited to, the following:

- Word trademark DIXION, German Patent and Trademark Office (DPMA), registration number: 30543169, registration date: December 15, 2005, status: active;
- Word trademark DIXION, Intellectual Property Office of the United Kingdom (UKIPO), registration number: UK00800881972, registration date: April 7, 2008, status: active.

Respondent, according to the Registrar verification, is located in Germany, too; he is commercially active in the same medical device industry as is Complainant, operating under a website at “www.ordamed.com” which offers, *inter alia*, medical equipment and related services for online sale. The disputed domain name was first registered on October 3, 2018, and acquired by Respondent in October 2021 for a purchase price of USD 15,000. By the time of the rendering of this Decision, the disputed domain name redirects to a website operated by the Registrar where it is offered for online sale. Besides, it is undisputed between the Parties that on June 19, 2024, and at the time of filing of the Complaint, the disputed domain name redirected to Respondent’s official website by way of a HTTP 301 redirection.

Complainant requests that the disputed domain name be transferred to Complainant.

Respondent requests that the Complaint be denied and that the Panel finds for Reverse Domain Name Hijacking.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that it was founded in 1992 and is currently one of the largest trade and manufacturing organizations in the medical device market.

Complainant submits that the disputed domain name is identical to Complainant’s DIXION trademark, as it only contains the latter. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) the disputed domain name has been registered by Respondent without the knowledge or consent of Complainant or any affiliate thereof, (2) on June 19, 2024, the disputed domain name redirected to a website at “www.ordamed.com”, which is operated by a competitor of Complainant with no connection to Complainant’s DIXION trademark, and (3) there is no evidence of Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to it in connection with a bona fide offering of goods or services, Respondent is not commonly known by the domain name and it has not acquired any relevant trademark or service mark rights therein. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) the disputed domain name was offered for online sale for USD 25,000 at least starting from June 26, 2019, (2) the website at “www.ordamed.com” to which the disputed domain name redirected on June 19, 2024 was operated by a company named Ordamed which offered medical equipment and

consumables for the healthcare sector, thus operated in the same field of business as Complainant, (3) Respondent is known to be the founder and chairman of the Ordamed company, (4) on July 2, 2025, when the disputed domain name was again offered for online sale, Complainant was informed by the Registrar that the seller's asking price for the disputed domain name was USD 100,000 (while the Registrar's own estimate of the disputed domain name's value was less than 3% thereof).

## **B. Respondent**

Respondent contends that Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Respondent acknowledges that the disputed domain name is at least linguistically similar to Complainant's DIXION trademark for purposes of paragraph 4(a)(i) of the Policy. Further, Respondent asserts that he has legitimate interests in respect of the disputed domain name since (1) Respondent lawfully purchased the disputed domain name in October 2021 on the secondary market for USD 15,000 because it corresponds to a dictionary/surname-derived term and has held it without using Complainant's DIXION trademark to mislead consumers, (2) domain name investments and resales are not per se illegitimate, and (3) Complainant's principal initiated the contact with Respondent and pressure to buy the disputed domain name. Last, Respondent argues that the disputed domain name was neither registered nor is it used in bad faith since (1) Respondent acquired the disputed domain name in 2021 without intent to target Complainant, but because the chosen name has an independent provenance (as an adaptation from the surname "Dixon"), (2) the isolated redirection of the disputed domain name on June 19, 2024, was a technical misconfiguration that was promptly fixed and never monetized, and (3) Complainant's principal has used coercive tactics (e.g., warnings, references to money/influence, and "blocking") which are foreign to the UDRP's remedial purpose and strongly suggest that the filing of the Complaint is leverage after failed commercial negotiations and not a response to a trademark abuse.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that 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 Complainant's DIXION trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of its DIXION trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of such trademark is reproduced within the disputed domain name, without any alterations or additions thereto whatsoever. Accordingly, the disputed domain name is identical to Complainant's DIXION trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel, therefore, finds the first element of the Policy has been established.

## B. Rights or Legitimate Interests

Furthermore, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

First, Respondent has not been authorized to use Complainant's DIXION trademark, either as a domain name or in any other way. Also, there is no evidence to consider that Respondent's name would somehow correspond with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term “dixion” on its own.

Second, Respondent claims that he purchased the disputed domain name for a price of USD 15,000 because it corresponds to a dictionary/surname-derived term adapted from the surname “Dixon”. In this context, UDRP panels have recognized that merely registering a domain name comprised of a dictionary word or phrase does not by itself automatically confer rights or legitimate interests on the respondent which is why the mere argument that a domain name corresponds to a dictionary term/phrase will not necessarily suffice. [WIPO Overview 3.0](#), section 2.10.

Third, Respondent further claims that, at the time of the acquisition of the disputed domain name in 2021, he intended to use the latter for a new independent project, namely a brand of men's cosmetics. UDRP panels, however, agree that in order to find rights or legitimate interests in a domain name based on the dictionary meaning, the domain name should be genuinely used, or at least demonstrably intended for such use, in connection with the relied upon dictionary meaning and not to trade off third-party trademark rights. [WIPO Overview 3.0](#), section 2.10. Up until now, Respondent obviously has not used, or at least made demonstrable preparations to use, the disputed domain name in such context, but rather constantly offered and still offers it for online sale. Furthermore, as regard Respondent's claim that the disputed domain name was derived from a personal name, the Panel notes that neither “Dixion” nor “Dixon” appear to be Respondent's name and it is otherwise unclear how the inclusion of the reputed DIXION trademark would factor into any alleged plans of use in connection with a hypothetical men's cosmetics project.

Finally, Respondent correctly points to the fact that holding a domain name consisting e.g., of a dictionary word for resale can be *bona fide* and is not *per se* illegitimate under the UDRP. [WIPO Overview 3.0](#), section 2.1. In the case at hand, however, while it is questionable to what extent the term “dixion” has any dictionary meaning (see section C. below), the disputed domain name is identical to Complainant's undisputedly recognized DIXION trademark, and, noting the Panel's finding below, the circumstances of this case taken together suggest that it is more likely that Respondent registered the disputed domain name not on the basis of any such meaning, but on account of its potential value based on the DIXION trademark.

The Panel, therefore, finds the second element of the Policy has been established, too.

### C. Registered and Used in Bad Faith

Last, 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. Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel first notes that Complainant's DIXION trademark undisputedly is well-established and reputed due to the fact that Complainant is currently one of the largest trade and manufacturing organizations in the medical device market internationally. In fact, an independent Google search undertaken by this Panel within its limited powers set forth by paragraph 10 of the Rules for the term "dixon" has revealed that by far more than the top 10 search results exclusively point to Complainant, absent any other search results that would point to a dictionary/surname meaning of the term "dixon" as claimed by Respondent.

Second, the Panel has also noted that Respondent is commercially active in the very same industry of medical devices as is Complainant; it can be taken from Respondent's website at "www.ordamed.com" that the Ordamed Company is the leading manufacturer and distributor of medical equipment in Kazakhstan and other countries, where Complainant has business, too, operating in the market since 2006.

Against this background, it is reasonable to argue – and has not been contested by Respondent – that the latter was well aware of Complainant and its trademark rights in the DIXION trademark when it acquired the disputed domain name in 2021.

Third, though Respondent claims that, at the time of the acquisition of the disputed domain name, he intended to use the latter for a new independent project, namely a brand of men's cosmetics, up until now Respondent apparently has not used, or at least made demonstrable preparations to use, the disputed domain name in such context. Rather, the disputed domain name constantly was and still is offered on the Internet for sale. These facts do not support the assumption that Respondent acquired the disputed domain name in 2021 for his own business project but rather suggest, on the balance of probabilities, that the acquisition was made with the existence of Complainant's well-known DIXION trademark in mind and in the hope of occasionally selling it to Complainant as the trademark owner at a profit. It is undisputed between the Parties that Complainant contacted Respondent through its Managing Director with a sales offer at USD 10,000 initially. As can be further derived from WhatsApp correspondence between the Parties submitted by Respondent, he rejected such initial offer as well as a further purchase offer of USD 25,000 (which was seemingly high enough to compensate Respondent for his domain name acquisition costs of USD 15,000) and instead asked for a sales price of USD 100,000 which Complainant rejected in turn.

Taking all of these circumstances together allows the conclusion that Respondent, on the balance of probabilities, acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring it to Complainant as the owner of the well-reputed DIXION trademark for valuable consideration seemingly in excess of Respondent's documented out-of-pocket costs directly related to the disputed domain name. This, in turn, is evidence of the registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(i) of the Policy.

Finally, such finding is at least supported, if not well-founded by the fact that on June 19, 2024, the disputed domain name resolved to Respondent's own official website at "www.ordamed.com" which is in direct competition to Complainant's business under the DIXION trademark. According to a screenshot from the Internet archive Wayback Machine at "www.web.archive.org" of said day, the disputed domain name had been permanently moved to Respondent's website by means of a so-called "HTTP 301" redirection. These technical circumstances allow further to conclude that Respondent, by using the disputed domain name, intentionally attempted to attract, for commercial gain, Internet users to his own website by creating a likelihood of confusion with Complainant's DIXION trademark as to the source, sponsorship, affiliation, or endorsement of such website. This, in turn, is evidence of the registration and use of the disputed domain

name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. In this context, the Panel has certainly noted Respondent's line of argumentation that such redirect was only a technical misconfiguration, promptly fixed and never monetized.

In view of the multitude of the above-mentioned factors indicating bad faith on the part of Respondent in various aspects and in view of the permanent nature of an HTTP 301 redirection, Respondent's mere submission unsupported by any kind of independent counter-evidence does not invalidate the undisputed evidence from the WayBack machine of at least a temporary use of the disputed domain name clearly intended to take unfair advantage of Complainant's DIXION trademark which is bad faith in the broader sense under the Policy criteria. [WIPO Overview 3.0](#), section 3.1.

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

Against this background, there was no basis to find for Reverse Domain Name Hijacking on the part of Complainant, irrespective of the question whether or not the correspondence between the Parties regarding a possible sale of the disputed domain name, as offered online by Respondent and taken up by Complainant, was adequate and reasonable in all aspects or not.

## 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, `<dixion.com>`, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: October 14, 2025