

ADMINISTRATIVE PANEL DECISION

AGFA-GEVAERT N.V. v. yang li min

Case No. D2025-3372

1. The Parties

The Complainant is AGFA-GEVAERT N.V., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is yang li min, China.

2. The Domain Name and Registrar

The disputed domain name <agfa-medical.com> is registered with Gname.com Pte. Ltd. (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 (Confidential information due to the GDPR) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 amended Complaint on August 29, 2025.

On August 25, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 29, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 Chinese and English of the Complaint, and the proceedings commenced on September 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 29, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on October 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 a Belgian corporation engaged in the photographic sector, medical imaging, and medical software sector, and has been operating for more than 100 years. It was formerly well known as a major player in the photography sector, and is active in some 40 countries, with China being one of the places where its largest production and research centers are located.

The Complainant owns various trademarks containing the term AGFA globally, including the following: European Union Trade Mark No. 003353463 for AGFA (word), registered on January 24, 2005; United States Registration No. 2091451 for AGFA (word), registered on August 26, 1997; and China Trademark Registration No. G621951 for AGFA (word and design), registered on June 17, 1994.

The disputed domain name was registered on January 30, 2025. At the time of filing of the Complaint, the disputed domain name resolved to a gambling website purportedly offering betting services in Chinese language. On the date of issuing the Decision, the website is still active.

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.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issues: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. 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 was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that: (1) the disputed domain name includes the term "medical" in the English language; and (2) the Complainant does not communicate in Chinese, and the use of Chinese would entail substantial expenses, imposing an undue burden on the Complainant. Moreover, English is commonly used in international communication.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the proceedings and of the Complaint. The Respondent did not make any submissions with respect to the language of the proceedings, nor did the Respondent file any Response in Chinese or 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).

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.

6.2 Substantive Issues

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 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 the other terms, here, "-medical", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 notes that the composition of the disputed domain name itself affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation, incorporating the Complainant's mark in full and merely adding the term "medical" with a hyphen. The descriptive term "medical" is related to the Complainant's field of business and the hyphen added does not change the finding as merely punctuation. Further, the available record shows that the Respondent is not affiliated or otherwise authorized by the Complainant, nor has it held any registration of the AGFA mark anywhere. There is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The disputed domain name resolves to a gambling website. The Panel is convinced that the Respondent targets the Complainant and has capitalized on the reputation of its mark, likely to gain unlawful revenues from such online commercial activities taking unfair advantage of the Complainant. Such use cannot constitute any bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

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 notes that the Respondent has used without any license or authorization the Complainant's trademark in full in the disputed domain name plus a related term and a hyphen. The Complainant's trademark AGFA is widely used and known in multiple jurisdictions, including in the region where the Respondent allegedly resides, and the Complainant's registration and use of its mark long predate the Respondent's registration of the disputed domain name. This signals the Respondent's intention to target the Complainant and to trade off its widely-used mark. Thus, the Panel considers that the Respondent should have known of the Complainant's mark at the time of registering the disputed domain name.

Further, considering the use of the disputed domain name analyzed in Section 6.2 B above, the Panel is convinced that by using the disputed domain name, the Respondent has attempted to attract, for commercial gain, Internet users to an online location, by creating a likelihood of confusion with the Complainant's mark, and that the Respondent intends to take unfair advantage of the Complainant's reputation in the AGFA mark. The disputed domain name was thus registered and is being used in bad faith, according to paragraph 4(b)(iv) of the Policy.

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 <agfa-medical.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: October 16, 2025