

ADMINISTRATIVE PANEL DECISION

Agfa-Gevaert N.V. v. Idah Idah
Case No. D2025-3384

1. The Parties

The Complainant is Agfa-Gevaert N.V., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is Idah Idah, India.

2. The Domain Name and Registrar

The disputed domain name <agfaphotogtc.com> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 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.

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 of the Complaint, and the proceedings commenced on September 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 28, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on October 6, 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 multinational company founded in 1867 that develops, manufactures, and distributes analog and digital imaging products and systems, as well as solutions for information and communication technology. The Complainant is focused on three areas: HealthCare IT, Digital Print & Chemicals, and Radiology Solutions. The Complainant has an active presence in 30 countries, in addition to a network of agents and representatives.

The Complainant owns, among many others across the world, the following trademarks:

- European Union trademark for AGFA (and design), Registration No. 008133167, in International Classes (ICs) 1, 2, 7, 9, 10, 42; registered on February 17, 2010, and in force until March 3, 2029;

- United Kingdom trademark for AGFA AGFA (and design), Registration No. UK00915553662, in International Class 9; registered on January 6, 2017, and in force until June 20, 2026;

The Complainant owns the domain name <agfa.com> registered on November 14, 1989, from which it officially operates and offers its products and services.

The Complainant provided a list of its domain names comprising the trademark AGFA and the term “graphics”.

The Respondent is reportedly located in India.

The disputed domain name was registered on December 30, 2024. By the time of this Decision, it resolves to an inactive website with no content on it, and a “dangerous website” warning message. The Complainant provided evidence that shows that the disputed domain name was used in connection with an online gambling website.

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 incorporates the trademark AGFA plus the generic word “photo” and the random letters “gtc”, which does not prevent a finding of confusing similarity.

Regarding the second element, the Complainant contends that to the best of its knowledge, the Respondent has not been commonly known by the name AGFA; that the Complainant has not licensed or otherwise authorized the Respondent to use its trademark or any domain name including the trademark AGFA; that the disputed domain name was used for a gambling website.

Concerning the third element, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, given that the Complainant’s trademark AGFA is widely known and famous, and its registration predates the disputed domain name’s registration date; that a simple search via Google

or any other search engine using the keyword “agfa”, provides the Complainant as first result, making it unlikely that the Respondent was not aware of the Complainant's rights in the AGFA trademark at the time of the disputed domain name's registration; that any use of the disputed domain name misleads the Internet users into believing that the domain name is associated with the Complainant when it's not; that the Respondent has incurred in paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must satisfy each of the three 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.

No Response or any kind of communication has been submitted by the Respondent. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.3. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the “balance of probabilities” or “preponderance of the evidence” standard. See [WIPO Overview 3.0](#), section 4.2.

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](#), sections 1.7. and 1.10.

Although the addition of other terms here, “photo” and “gtc” may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

As for the applicable generic Top-Level Domain (“gTLD”) “.com”, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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.

According to the arguments and evidence submitted by the Complainant, the Panel finds that, indeed, there has been no kind of relationship between the Parties that would imply authorization for the Respondent to use the AGFA trademark, including as a domain name. There is no evidence whatsoever showing that the Respondent has been commonly known by the disputed domain name. Furthermore, based on the evidence provided by the Complainant, the disputed domain name was at some point used for online gambling, which does not constitute legitimate, noncommercial or fair use. The Panel finds that the Respondent has capitalized on the reputation and goodwill of the Complainant’s trademark.

Nevertheless, given the current inactive use of the disputed domain name, the Panel finds that such use does not constitute a legitimate noncommercial or fair use either, as set out by paragraph 4(c)(iii) of the Policy.

Additionally, where a domain name consists of a trademark plus an additional term (at the second- or top level), such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used 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.

Having reviewed the evidence submitted, the Panel finds that certainly the Complainant owns a widely known trademark, where its rights were established very well before the Respondent registered the disputed domain name, which, given its composition, to this Panel, it is obvious that the Respondent did it with the Complainant’s business activity and the AGFA trademark in mind. [WIPO Overview 3.0](#), sections 3.2.1. and 3.2.2.

At the time of filing the Complaint, the disputed domain name resolved to a gambling website. The Panel concludes that the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant’s AGFA trademark, which is indicative of bad faith registration and use within the meaning of 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 <agfaphotogtc.com> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: October 17, 2025