

ADMINISTRATIVE PANEL DECISION

Les Schwab Warehouse Center, LLC v. Karl Schnurch, EdenMedia
Case No. D2025-3423

1. The Parties

The Complainant is Les Schwab Warehouse Center, LLC, United States of America (“United States”), represented by Schwabe, Williamson & Wyatt, P.C., United States.

The Respondent is Karl Schnurch, EdenMedia, Seychelles.

2. The Domain Name and Registrar

The disputed domain name <lessschwab.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 26, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 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 (On behalf of lessschwab.com OWNER, c/o whoisproxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 28, 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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 25, 2025.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on September 29, 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 has dealt in certain automotive goods and services since at least as early as 1952. The Complainant is one of the largest retail tire dealers in the United States with more than 500 stores. It has over USD 2 billion in annual sales and employs about 8,000 employees.

The Complainant holds a number of trademarks for LES SCHWAB standing alone or in combination, of which the following are representative for the present proceeding:

LES SCHWAB, United States Patent and Trademark Office (USPTO), registered July 25, 2000, registration number 2370066, in classes 9, 12, 35, and 37 (first use in commerce stated to be 1952);

LES SCHWAB TIRES, USPTO, registered February 20, 2001, registration number 2429887, in class 35;

LES SCHWAB TIRE CENTER, with design, USPTO, registered June 26, 2007, registration number 3255054, in classes 35 and 37.

The Complainant maintains a website at the address “www.lesschwab.com”, and has a presence on Facebook, X, Instagram, and YouTube.

Nothing of substance is known about the Respondent except for the contact details submitted to the Registrar at the time of registration of the disputed domain name on February 28, 2019. The disputed domain name has resolved to a website displaying pay-per-click (“PPC”) commercial links, including links to competitors of the Complainant. The disputed domain name has been offered for sale with the invitation to “Buy this domain” on various landing pages to which it has resolved, at prices up to USD 6,935.

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 is virtually identical and confusingly similar to trademarks in which the Complainant has rights. The difference is that in the disputed domain name the trademark LES SCHWAB is spelt with an additional letter “s” between the two words. The Complainant says the difference is not sufficient to differentiate the disputed domain name from the Complainant’s trademarks. Furthermore, the registration of the disputed domain name post-dates the registration dates of most of the Complainant’s trademarks by up to 19 years, and post-dates the Complainant’s stated first use of its trademark by 67 years.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not made any bona fide offering of goods or services through the disputed domain name but has used it to refer visitors to other websites by means of links relating in some instances to automotive products and in other instances to unrelated subjects such as payment systems and investments.

The Respondent has not been commonly known by the disputed domain name or by any similar name, and has concealed its name publicly by the use of a privacy service.

The Respondent is not making a legitimate noncommercial or fair use of the dispute domain name. The Respondent's use of the disputed domain name for the referral of visitors by means of PPC links earns revenue for the benefit of the Respondent and is commercial in nature.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith.

With reference to paragraph 4(b)(iv) of the Policy, the Complainant says the disputed domain name has been used for commercial gain with intent to confuse visitors into believing the corresponding website to be operated by or endorsed by the Complainant.

In terms of paragraph 4(b)(ii) of the Policy the Complainant says that the Respondent registered the disputed domain name to prevent the Complainant from reflecting its trademark in a corresponding domain name. The Complainant has submitted a selection of previous decisions under the Policy that it says show the Respondent to have engaged in a pattern of such conduct.

The Complainant also says that under paragraph 4(b)(i) of the Policy, the Respondent registered the disputed domain name primarily for the purpose of sale to the Complainant, for an amount in excess of the Respondent's out-of-pocket costs directly related to registration of the disputed domain name.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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, adding the letter "s" in between "les" and "schwab". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 and section 1.9.

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. By its resolution to a website in the form of a landing page that refers visitors by means of PPC links to outlets selling goods or services many of which are in competition with the Complainant, for which the Respondent may reasonably be assumed to receive some partial remuneration, the disputed domain name is not in bona fide, noncommercial or fair use within the meaning of paragraph 4(c) of the Policy. There is no evidence the Respondent has ever been known by a name similar to 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.

The Complainant’s trademark LES SCHWAB, comprising the founder’s name, appears to be distinctive. The disputed domain name, comprising in effect the Complainant’s trademark with a letter “s” between the two words, being a typographical error that a computer user might type into a search engine, or that might go unnoticed in the results of a search, could easily be confused with the Complainant’s trademark. Given the high degree of similarity between the disputed domain name and the Complainant’s distinctive trademark, it may reasonably be concluded on the balance of probabilities that the Respondent knew about and intentionally targeted the Complainant’s trademark.

Screen captures produced in evidence by the Complainant provide further evidence that the Respondent knew about the Complainant, since they show the disputed domain name to have resolved to a host’s landing page, offering a variable selection of links or link headings relating to tires. For instance, there are link headings labelled “Auto Tires”, “Shop Tires”, “Buy Tires Online”, together with references to other goods or services. These links lead to other suppliers such as Walmart or Tire Rack that sell tires in competition with the Complainant.

On the evidence and on the balance of probabilities, the Panel finds that the Respondent has relied on Internet users being confused, at least initially, into visiting the website to which the disputed domain name has resolved, in the expectation of visiting the Complainant’s website, and that the Respondent has intended to gain commercially from the deception by receiving revenue by way of the PPC link model. The disputed domain name is found to have been registered and used in bad faith in the terms of paragraph 4(b)(iv) of the Policy.

The Complainant has also asserted under paragraph 4(b)(i) of the Policy that the disputed domain name was registered for the purpose of selling it to the Complainant, or a competitor of the Complainant, for profit. A “Buy this domain” banner on the landing pages leads to an online facility and an asking price of USD 6,935. The price itself is not determinative of bad faith or otherwise, however it is clear that, first, the price would represent an extreme profit over the registration cost, and second, that the market for the disputed domain name would effectively be limited to the Complainant, so that the disputed domain name could be

inactivated, or to any competitor, in the widest sense, which would include any entity that might have some nefarious intention detrimental to the Complainant. The Panel finds on the balance of probabilities that the Respondent's primary purpose in registering the disputed domain name was ultimately to sell it to the Complainant or a competitor of the Complainant for profit, as contemplated within paragraph 4(b)(i) of the Policy, constituting registration and use in bad faith.

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 <lessschwab.com> be transferred to the Complainant.

/Dr. Clive N.A. Trotman/

Dr. Clive N.A. Trotman

Sole Panelist

Date: October 7, 2025