

ADMINISTRATIVE PANEL DECISION

Liebherr-International AG v. Jacquelyn Nastri
Case No. D2025-3426

1. The Parties

Complainant is Liebherr-International AG, Switzerland, represented by Bettinger Scheffelt Partnerschaft mbB, Germany.

Respondent is Jacquelyn Nastri, United States of America.

2. The Domain Name and Registrar

The disputed domain name is <liebherr-au.com> which is registered with Wild West Domains, LLC (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 the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from those in the Complaint (Administrator Domain, PrivacyGuardian.org / Domains By Proxy, LLC.). The Center sent an email communication to Complainant on August 27, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 18, 2025.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on September 23, 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, a Swiss entity, is the parent of the Liebherr Group. The Liebherr Group is engaged in the manufacturing of construction machinery, mining and digging machinery, aerospace and transportation systems, refrigeration and domestic appliances.

Complainant has rights over the LIEBHERR mark for which it holds, among others, International registration No. 1382828, registered on July 25, 2017, in classes 35, 36, 37, 38, 39, 41, 42, 43, 44, and 45.

The disputed domain name was registered on June 26, 2025. Before the Complaint was filed, the disputed domain name was used to create an email address from which a fraudulent email impersonating the Liebherr Group was sent, and it did not resolve to an active website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy and requests that the disputed domain name be transferred to Complainant. Complainant's assertions may be summarized as follows.

The Liebherr Group was founded in Germany in 1949 by Mr. Hans Liebherr. The Liebherr Group is one of the world's largest manufacturers of construction machinery, and also operates in several other sectors. The Liebherr Group employs over 50,000 people worldwide and operates more than 140 companies across all continents.

Complainant owns numerous mark registrations for LIEBHERR in multiple jurisdictions, and owns several core domain names, such as <liebherr.com>, <liebherr.de>, <liebherrgroup.com>, and <liebherr-group.com>, as well as other domain names combining its LIEBHERR mark with descriptive terms.¹

Complainant promotes its products and services globally through its main website linked to <liebherr.com>, and markets and distributes its products and services worldwide through a vast sales and service network consisting of subsidiaries, contractual partners, and distributors.

The disputed domain name is confusingly similar to Complainant's LIEBHERR mark. The disputed domain name incorporates said mark in its entirety; the addition of "-au" does not prevent a finding of confusing similarity. The letters "au" will typically be understood as an abbreviation for Australia.

Respondent has no rights or legitimate interests in the disputed domain name.

Complainant has no relationship with Respondent. Complainant has not authorized or otherwise permitted Respondent to use its LIEBHERR mark in any manner, including in a domain name or email address, and there is no evidence that Respondent is commonly known by "liebherr," "liebherr-au," or any corresponding name.

¹ Annex 7 of the Complaint contains Whois records of some domain names, all in the name of Liebherr-International Deutschland GmbH.

The disputed domain name is not used for an active website, rather, it is used to send deceptive emails to Complainant's customers requesting "screenshots of invoices [...] so we can reconcile on our end", a pretext to obtain invoice details and substitute fraudulent payment instructions in order to misdirect payments owed to Complainant.² Such Respondent's email behavior shows impersonation of Complainant. UDRP panels have held that use of a domain name for illegal or fraudulent activity — such as phishing, or invoice-redirection schemes - cannot confer rights or legitimate interests on a respondent. Respondent's conduct falls squarely within that principle.

The disputed domain name, consisting of Complainant's exact mark plus a descriptive/geographic term, carries a risk of implied affiliation. In the email context, recipients are led to believe the messages originate from, or are authorized by, Complainant (e.g., its Australian operations). Such impersonation defeats any claim to rights or legitimate interests.

The disputed domain name was registered and is being used in bad faith.

The LIEBHERR mark is distinctive and internationally well known. Respondent's registration of the disputed domain name, that wholly incorporates said mark and merely adds "-au", targets Complainant and implies an official regional channel (e.g., "Liebherr Australia"). Given the mark's notoriety and the disputed domain name's format, Respondent could not credibly have selected the disputed domain name without knowledge of Complainant. The only plausible purpose is to exploit confusion with Complainant's identity.

The disputed domain name is not used for a genuine website; instead, it is configured and used for email to contact Complainant's customers from addresses linked to it, with the apparent objective of substituting fraudulent payment instructions. Respondent intentionally creates a likelihood of confusion with the LIEBHERR mark to attract recipients and obtain pecuniary gain through misdirected payments, which is paradigmatic bad faith use. Said impersonation aims to divert receivables and interfere with Complainant's billing workflows and customer relationships, which constitutes disruption of Complainant's business.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

The lack of response from Respondent does not automatically result in a favorable decision for Complainant (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3). The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) that 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

The Panel finds 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).

² Annex 9 of the Complaint contains a copy of such email message, sent on July 23, 2025.

The entirety of the LIEBHERR mark is reproduced within the disputed domain name, albeit followed by the characters “-au”. The Panel finds the mark is recognizable within the disputed domain name and that the addition of said characters 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](#), sections 1.7, 1.8, and 1.11.1).

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

B. Rights or Legitimate Interests

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).

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in the disputed domain name. There is no evidence in the case file of any of those, or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent, but rather the opposite may be validly inferred.

The Panel finds that the nature of the disputed domain name carries a risk of implied affiliation as it may mistakenly be seen as suggesting some connection with Complainant and its LIEBHERR mark. The evidence in the file shows that the disputed domain name was used in connection with an email address for sending a phishing email communication, conveying the impression that the sender is associated with a Complainant’s affiliate; that is, the disputed domain name was used to impersonate Complainant. Such use demonstrates neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name ([WIPO Overview 3.0](#), section 2.13.1).³

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.

Based on the available record, 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 case file, the Panel finds that Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy. The evidence in the case file indicates that Respondent targeted Complainant with the intention of passing off as a Complainant’s affiliate in order to deceive a customer through a phishing email. The fact that the disputed domain name incorporates the entirety of, and

³ See *Syngenta Participations AG v. Guillaume Texier, Gobain Ltd*, WIPO Case No. [D2017-1147](#): “A registrant cannot acquire rights or legitimate interests by the use of a domain name as an email address from which to send phishing emails”. See also *Accenture Global Services Limited v. one devs*, WIPO Case No. [D2024-1760](#).

is confusingly similar to, Complainant's LIEBHERR mark, coupled with the email communication sent to a Complainant's customer from an email address linked to the disputed domain name and purporting to be an officer of a Complainant's affiliate, lead to the conclusion that Respondent registered and used the disputed domain name in bad faith ([WIPO Overview 3.0](#), section 3.4).⁴

Based on the available record, the Panel finds that 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 <liebherr-au.com> be transferred to Complainant.

/Gerardo Saavedra/

Gerardo Saavedra

Sole Panelist

Date: October 7, 2025

⁴ See *BHP Billiton Innovation Pty Ltd v. Domains By Proxy LLC / Douglass Johnson*, WIPO Case No. [D2016-0364](#): "the use of an email address associated with the disputed domain name, to send a phishing email for the purposes of dishonest activity is in itself evidence that the disputed domain name was registered and is being used in bad faith".