

ADMINISTRATIVE PANEL DECISION

Biodynamic Federation - Demeter International e.V. v. 烟台德米特生物科技有限公司 (yan tai de mi te sheng wu ke ji you xian gong si)

Case No. D2025-3646

1. The Parties

Complainant is Biodynamic Federation - Demeter International e.V., Germany, represented by Troller Hitz Troller, Switzerland.

Respondent is 烟台德米特生物科技有限公司 (yan tai de mi te sheng wu ke ji you xian gong si), China.

2. The Domain Name and Registrar

The disputed domain name <demeter-crop.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 9, 2025. On September 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 11, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on September 22, 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 in English on September 23, 2025.

On September 22, 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 September 23, 2025, Complainant submitted its request that English be the language of the proceeding. Respondent did not submit any comment on 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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on September 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 20, 2025.

The Center appointed Yijun Tian as the sole panelist in this matter on October 31, 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

A. Complainant

Complainant, Biodynamic Federation - Demeter International e.V., is a company incorporated in Germany. Founded in 1928, Demeter is one of the world's largest certification organizations for biodynamic agriculture. Complainant, established in 1997, is an umbrella association in order to ensure closer cooperation between the separate Demeter entities in economic, legal and spiritual matters. Complainant now represents a global network of 56 organizations in 42 countries, forming a unified governance structure for biodynamic standards and certification (Annex 8 to the Complaint). By 2025, Complainant represents more than 7,000 certified farmers cultivating approximately 250,000 hectares of land across 63 countries on all continents (Annex 9 to the Complaint). Complainant and its member have established various websites under the domain names featuring the Demeter brand, including <demeter.net>, <demeter.ch>, and <demeter.de>.

Complainant, though its members, has rights in the DEMETER marks around the worldwide, including the German trademark registered on April 1, 1932 (the German Trademark registration number 443775), and the International trademark registered on February 13, 1990 (the International Trademark registration number 549660, designating among others China).

B. Respondent

Respondent is 烟台德米特生物科技有限公司 (yan tai de mi te sheng wu ke ji you xian gong si), China. Through the Panel's independent search¹, this company was established in December 2024.

The disputed domain name was registered on March 4, 2025. According to the Complaint and the evidence provided by Complainant and the Panel's visit at the website associated with the disputed domain name, it resolves to a website displaying the Demeter brand, positioning itself as a global player in green agriculture "driven by 20 years of crop science expertise", claiming to produce "crop protection products to foster agricultural prosperity worldwide", and promoting products related to herbicides, insecticides and etc. (Annex 10 to the Complaint). Under the "Contact Us" on the home page, there is an email address, a postal address, and a phone number. However, there is no name of the company who operates the website. The website also displays a copyright notice "Copyright © 2025 Demeter All Rights Reserved".

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8).

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is identical or confusingly similar to its DEMETER name and registered trademarks. Prior UDRP decisions consistently hold that incorporating a complainant's trademark in its entirety is sufficient to establish identity or confusing similarity, even where additional terms are included.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain name.

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

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

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreements 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.

From the evidence presented on the record, no agreement appears to have been entered into between Complainant and Respondent to the effect that the language of the proceeding should be English. Complainant filed its Complaint and amended Complaint in English, and has requested that English be the language of the proceeding for the following main reasons:

- (a) The disputed domain name is international in nature and not directed exclusively at users in China.
- (b) Complainant is an internationally operating organization whose primary working language is English.
- (c) Complainant has no knowledge of Chinese, and requiring translation of the Complaint and supporting evidence would impose undue burden, disproportionate costs, and unnecessary delay.
- (d) English is widely recognized as the lingua franca of international commerce and of the domain name system. Conducting the proceeding in English therefore promotes procedural fairness and efficiency.
- (e) Respondent has demonstrated a clear ability to understand and use English by providing an English-language version of its website (Annex 10 to the Complaint). This indicates that Respondent is fully capable of participating in the proceeding conducted in English and will not be prejudiced by the use of English as the procedural language.

Respondent did not make any submissions with respect to the language of the proceeding.

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 3.0](#), section 4.5.1).

On the record, Respondent appears to be located in China and thus presumably not a native English speaker, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain name is registered in Latin characters, rather than Chinese script; (b) the generic Top-Level Domain (“gTLD”) of the disputed domain name is “.com”, so the disputed domain name seems to be prepared for users worldwide; (c) the disputed domain name resolves to a webpage entirely in English (Annex 10 to the Complaint); (d) the Center has notified Respondent of the language of the proceeding in both Chinese and English through the notification of the Complaint, and Respondent did not comment on Complainant’s request that English be the language of the proceeding; and (e) the Center also notified Respondent in both Chinese and English of the commencement of the proceeding, and informed Respondent that it would accept a Response in either English or Chinese, but Respondent chose not to file any Response.

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: Three Elements

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 trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, 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.

The Panel finds Complainant’s DEMETER 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.

While the addition of the hyphen “-” and the term “crop” may bear on the assessment of the second and third elements, the Panel finds the addition of such 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.

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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 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.

More specifically:

(i) there has been no evidence adduced to show that Respondent has used the disputed domain name in connection with a bona fide offering of goods or services. Respondent has not provided evidence or reasons to justify the choice of the term “Demeter”, which is the same as Complainant’s DEMETER trademark, in the disputed domain name. Further, the website at the disputed domain name displays the Demeter brand with a copyright notice “Copyright © 2025 Demeter All Rights Reserved”, which may mislead Internet users into believing that the website is associated with the Complainant. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the DEMETER trademark or to register or use any domain name incorporating the DEMETER marks;

(ii) While Respondent’s company name includes 德米特 (“De Mi Te” in Chinese pinyin), which is phonetically similar to the DEMETER marks, there has been no evidence adduced to show that Respondent has been commonly known by the name “Demeter” and/or by the disputed domain name. Moreover, there is no name of the company who operates the website under the “Contact Us” on the home page. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain name; and

(iii) there has been no evidence adduced to show that Respondent was making a legitimate noncommercial or fair use of the disputed domain name. To the contrary, the disputed domain name resolves to a website that displays the DEMETER mark and claims to provide “crop protection products to foster agricultural prosperity worldwide” (Annex 10 to the Complaint).

Based on the available record, 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 Respondent has registered and used the disputed 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.

Based on the information provided by Complainant, the Panel finds that Complainant has a reputation in the DEMETER marks with regard to its products and services. It is not conceivable that Respondent would not have had Complainant’s trademark in mind at the time of the registration of the disputed domain name (in 2025). While Respondent’s company name includes 德米特 (“De Mi Te” in Chinese pinyin), which is phonetically similar to the DEMETER marks, in the absence of any explanation from Respondent and noting the fame of the DEMETER marks and Respondent appears to be in the same or related business sector, the Panel finds it more likely than not that Respondent has chosen the term “Demeter” instead of “De Mi Te” (Chinese pinyin for its company name) in the disputed domain name in order to take advantage of the reputation of the DEMETER marks. Therefore, the Panel finds that the disputed domain name was registered in bad faith.

Respondent has used the website to promote products related to herbicides, insecticides and etc. As mentioned above, Respondent also positions itself as a global player in green agriculture, claiming to produce “crop protection products to foster agricultural prosperity worldwide,” which places it in the same or related business sector as Complainant and the website includes a copyright notice referring to Demeter. Accordingly, the Panel concludes that Respondent is using a confusingly similar disputed domain name with

the intention to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with Complainant. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <demeter-crop.com> be transferred to Complainant.

/Yijun Tian/

Yijun Tian

Sole Panelist

Date: December 9, 2025