

## **ADMINISTRATIVE PANEL DECISION**

Bayerische Motoren Werke AG v. Samvel Baghdasaryan  
Case No. D2025-3708

### **1. The Parties**

The Complainant is Bayerische Motoren Werke AG, Germany, represented by Kelly IP, LLP, United States of America (the "US").

The Respondent is Samvel Baghdasaryan, Armenia.

### **2. The Domain Name and Registrar**

The disputed domain name <bmwtrend.com> is registered with Tucows Domains Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 12, 2025. On September 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 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 (Privacy Protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 15, 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 September 15, 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 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 10, 2025.

The Center appointed Shwetasree Majumder as the sole panelist in this matter on October 15, 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 globally renowned automobile and motorcycle manufacturer headquartered in Germany. It was established in 1917 and owns the BMW trademark and related marks, including M Logo Marks (the “BMW marks”), which it uses and licenses for automobiles, parts, accessories, and merchandise.

The Complainant operates through an extensive global network of over 3,600 authorized dealers and importers and employs more than 150,000 people worldwide. The Complainant has been using the BMW marks since 1917 and owns multiple registrations across more than 140 jurisdictions. Details of some sample registrations are below:

- BMW – German Registration No. 410579, registered on November 15, 1929, in International Class 7 and 12;
-  – German Registration No. 221388, registered on December 10, 1917, in International Classes 7, 8, 9, 11, and 12;
- BMW – US Registration No. 2816178, registered on February 24, 2004, in International Classes 1-9, 11, 12, 14, 16, 18, 20-22, 24, 25, 27, 28 and 34.

The Complainant operates online through its main websites “www.bmw.com” and “www.bmwgroup.com”, since 1996 and 1998 respectively, and regional sites like “www.bmwusa.com”, “www.bmw.ca”, and “www.bmw.de”, which receive millions of visits monthly. The Complainant also authorizes dealers and importers to use BMW-formative domain names under strict agreements, to reinforce its global digital identity and brand consistency.

The disputed domain name <bmwtrend.com> was registered on July 16, 2024. Presently, the disputed domain name does not resolve to an active website. But at the time of filing of the Complaint, the Respondent’s website allegedly advertised and offered to sell counterfeit or otherwise unauthorized products under the Complainant’s BMW and M Logo marks.

#### 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 confusingly similar to the trademark of the Complainant. The Complainant argues that the disputed domain name incorporates the Complainant’s mark in its entirety and the mere insertion of the descriptive term “trend” does not distinguish the disputed domain name from the Complainant’s BMW mark.

The Complainant contends that it holds a global portfolio of registered trademarks for the BMW mark dating back to the year 1917. The Complainant contends that the Respondent has no legitimate rights or interests in respect to the disputed domain name and lacks a bona fide and noncommercial interest in the disputed domain name. The Complainant also submits details of a past UDRP decision (*Bayerische Motoren Werke AG (“BMW”) v. Samvel Baghdasaryan, BMW Trend*, WIPO Case No. [D2024-1978](#)) against the same

Respondent to place its reliance on the fact that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant argues that it has not authorized the Respondent, or any associated person or entity, to use or register the BMW mark or M Logo marks in any manner, including in the disputed domain name or on the website.

The Complainant further submits evidence demonstrating that the disputed domain name directs users to a website that advertises and offers counterfeit or otherwise unauthorized products bearing the BMW and M Logo Marks. The Respondent has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with BMW's trademarks, misleading consumers into believing that the website, its products, or its activities are associated with, sponsored, or endorsed by BMW.

## **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 entirety of the mark is reproduced 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 term "trend" 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.

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 with 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.

Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off of the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel is aware that presently the disputed domain name does not have any hosted content. However, the Respondent's website was previously designed to impersonate and pass off the Complainant's marks by advertising and offering counterfeit or unauthorized products bearing the BMW and M Logo Marks. The Respondent has intentionally sought to attract Internet users for commercial gain by creating a likelihood of confusion by selling the products bearing the Complainant's BMW and M Logo marks, thereby misleading consumers into believing that the website, its products, or its activities are associated with, sponsored, or endorsed by the Complainant, which is neither a bona fide offering of goods nor a legitimate noncommercial or fair use of the disputed domain name as envisioned under the Policy.

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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Panel finds that the Respondent registered the disputed domain name and was using the same, with an intent to pose as the Complainant's business in an attempt to deceive Internet consumers. Hence, the Panel does not find any plausible legitimate reason for the Respondent to register and use the disputed domain name.

Moreover, there is a previous UDRP decision (*Bayerische Motoren Werke AG ("BMW") v. Samvel Baghdasaryan, BMW Trend*, WIPO Case No. [D2024-1978](#)) against the same Respondent, in which the Respondent was found to have used a domain name combining the BMW mark with the term "trend". This conduct shows bad faith, as it demonstrates clear knowledge of the Complainant's trademark rights, as well as a pattern of behaviour intended to mislead internet users for commercial gain by creating a likelihood of confusion.

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.

Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off of the Complainant, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <bmwtrend.com> be transferred to the Complainant.

*/Shwetasree Majumder/*

**Shwetasree Majumder**

Sole Panelist

Date: October 29, 2025