

ADMINISTRATIVE PANEL DECISION

Swatch AG v. vinyas a s, Arch Industries
Case No. D2025-3839

1. The Parties

The Complainant is Swatch AG, Switzerland, represented by The Swatch Group AG, Switzerland.

The Respondent is vinyas a s, Arch Industries, India.

2. The Domain Name and Registrar

The disputed domain name <swachpay.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 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 October 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2025. The Respondent sent email communications to the Center on September 24 and September 27, 2025. Although the latter communication indicated that the Respondent intended to submit a full Response in due course, no further communications from the Respondent were received. The Center informed the Parties that it would proceed with Panel appointment on October 23, 2025.

The Center appointed Warwick A. Rothnie as the sole Panelist in this matter on October 30, 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 commenced manufacturing and selling watches under the SWATCH trademark in 1983. An article by Joe Thompson “How Swatch Started a Revolution” published by Bloomberg on November 21, 2017, described the introduction of the Swatch Watch as the start of a revolution in watchmaking: the Fashion Watch revolution.

The Complainant’s Facebook page at “www.facebook.com/swatch/” has over 5.8 million followers. Its Instagram account has 1.3 million followers. Its YouTube channel has 127,000 subscribers.

In July 2017, the Complainant launched a SwatchPay service in China through which users of eligible Swatch wristwatches could make payments at electronic point of sale terminals. In 2019 the Complainant extended the SwatchPay service for use in Switzerland.

The Complaint includes evidence that the Complainant has registered numerous trademarks for both Swatch and also SwatchPay. For present purposes, it is sufficient to note only:

- (1) International Registration No 506123, SWATCH, which was registered on September 9, 1986, in respect of goods made from precious metals and their alloys in International Class 14, including clocks, watches and chronometric instruments.
- (2) International Registration No 1405780, SWATCH PAY, which was registered on February 9, 2018, in respect of a wide range of goods and services in International Classes 9, 14, 35, and 36, including electronic payment processing apparatus and financial services, namely: providing processing, checking, and authentication of mobile payments and credit and debit card transactions. The International Registration designated numerous countries, including India, and the resulting application has been registered.

There are numerous other registrations in evidence and the Panel’s own check on the Global Brand Database discloses many more including many in India¹.

According to the Whois report, the disputed domain name was registered on August 29, 2025.

When the Complaint was filed, the disputed domain name resolved to a website headed “Welcome to SwatchPay,” which then went on to state:

“Mangalore’s Trusted Payment Solution for Waste Collection Teams. Your Trusted Partner for Secure and Efficient Payments. Streamline Bill Payments with our Secure and Efficient Platform” trusted by 20,000+ users across Mangalore and India.”

Evidence submitted with the Complaint in Exhibit G.2 indicates that the apparent links on the landing page, including internal links to other pages on the site, were inactive and did not resolve to any website pages.

At the time this decision is being prepared, the disputed domain name no longer resolves to a website.

¹ WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

5. Discussion and Findings

Despite the assertion in the email received by the Center on September 27, 2025, no further communication has been received from the Respondent.

In addition to that statement, the email (after acknowledging the Respondent is the registrant), did state that the Respondent registered the disputed domain name in connection with business activities under Arch Industries, including development of the “SwachPay” project.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

Paragraph 15(a) of the Rules directs the Panel to decide the 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.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 proven ownership of trademarks for both SWATCH and SWATCH PAY as described above.

In comparing the disputed domain name to the Complainant's trademarks, it is permissible in the present circumstances to disregard the generic Top-Level Domain (“gTLD”) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.1.

Disregarding the “.com” gTLD, the disputed domain name consists of the Complainant's registered trademark SWATCH PAY with the “t” (and a space) omitted. That type of misspelling of the Complainant's trademark does not dispel a finding of confusing similarity. See e.g., [WIPO Overview 3.0](#), section 1.9. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

In those circumstances, it is strictly unnecessary to consider the position of the Complainant's registered trademark SWATCH, although the Panel notes the same conclusion would be readily reached.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademarks and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a Respondent can show rights or legitimate interests in a 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.

The Respondent registered the disputed domain name well after the Complainant began using the trademarks SWATCH and SWATCH PAY and also after the Complainant had registered its trademarks.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. Putting to one side the service name “SwachPay” which appears to have been adopted only very recently, nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

The apparently very recent adoption of “SwatchPay” as the name of the Respondent's service cannot assist the Respondent. First, there is no explanation (credible or otherwise) about how the name came to be adopted. Secondly, the evidence before the Panel falls well short of establishing that the Respondent has made demonstrable preparations to use the disputed domain name in connection with a good faith offering of goods or services. [WIPO Overview 3.0](#), section 2.2.

It is a simple thing to put together a “placeholder” website or landing page. Further, the evidence from the Complainant indicates that the “purported” links are inactive and merely pre-textual. The Respondent has not contested that claim. Further still, even if the Respondent were intending to provide the claimed electronic payment processing services, that use would appear to directly conflict with the Complainant's registered trademark.

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful Complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the Respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the Complainant.

At the very least, it seems highly likely that the Respondent was well aware of the Complainant's SWATCH trademark. The Complainant's swatch trademark is very well known, indicated for example by the large following on its Facebook and Instagram accounts. The Complaint also includes a list of previous decisions under the Policy, many of which have found the Complainant's SWATCH trademark to be well known or famous.

The “fame” of the SWATCH PAY trademark is less clear. The Complainant has submitted a copy of the decision *Swatch AG v (chen jun hua)*, WIPO Case No [DCN2025-0031](#), which is in Chinese. Although the language of the proceeding is English, no translation has been submitted.

In any event, bearing in mind the reputation of the SWATCH trademark and the widespread use of “smart” watches for making electronic payments, the Panel readily infers that the Respondent must have had at least the Complainant's SWATCH trademark in mind when choosing the name for the Respondent's claimed business and did so to take advantage of the reputation in the trademark. That sort of opportunistic targeting and use of the Complainant's trademark constitutes registration in bad faith under the Policy.

Given the conflict with the Complainant's registered trademark in India for SWATCH PAY, the Respondent's use of the disputed domain name for the type of service promoted on the Respondent's website would constitute use in bad faith. If (as the Complainant contends) the website is a pretext rather than genuinely offering, or proposing to offer, payment processing services, that would be even more so. In that case, it would seem highly likely that the use was intended to attract people to the Respondent's website in the mistaken belief that there was some association with the Complainant through the resemblance of the disputed domain name to either or both of the Complainant's trademarks. That too qualifies as use in bad faith.

Accordingly, the Complainant has established all three requirements under 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 <swachpay.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: November 13, 2025