

ADMINISTRATIVE PANEL DECISION

The Swatch Group AG , The Swatch AG v. anil kumar
Case No. D2025-3848

1. The Parties

The Complainants are the Swatch Group AG and the Swatch AG, Switzerland, internally represented.

The Respondent is anil kumar, India.

2. The Domain Name and Registrar

The disputed domain name <swatchgroup-ag.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 22, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 24, 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 September 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 23, 2025.

The Center appointed Christian Schalk as the sole panelist in this matter on October 28, 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.

The language of the proceedings is English.

4. Factual Background

Both Complainants, the Swatch Group AG (hereinafter referred to as “SGAG”), which is the parent and holding company of the Swatch AG (hereinafter referred to as “SAG”) belong to the same group of companies and have the same grievance against the Respondent. For sake of effectiveness they are hereinafter collectively referred to as “the Complainant”.

The Complainant is considered as a leading designer, manufacturer, seller, and retailer of wristwatches. It fully owns branded retail stores throughout North America, Europe, the Middle East, Africa, Central- and South America, Asia and Australia. The website “www.swatchgroup.com” is used to inform Internet users about the Complainant and its products. The Complainant offers its wristwatches also via e-commerce shops at the domain name <shop.swatch.com>. In addition, the Complainant acts as sponsors of major sporting events around the world. According to the Complainant, its SWATCH mark is so famous that a collectors market has developed so far for its older products and many fans have posted images and stories in the Internet to demonstrate their affinity for the brand. The Complainant’s SWATCH mark is also used in connection with sunglasses and other items.

The Complainant owns among others the following trademarks:

International Trademark registration No. 506123 for the word mark SWATCH, with registration date of September 9, 1986, covering products in International Class 14;

European Union Trademark registration No. 226019 for the word mark SWATCH, with registration date of October 2, 1998, covering products in International Class 14;

International Trademark registration No. 1187122 for the word mark SWATCH GROUP, with registration date of September 18, 2013, covering services in International classes 35, 36, 37, 38, 39, 41, 42, 43, and 45;

Chinese Trademark registration No. 232954 for the word mark SWATCH, with registration date of September 15, 1985, covering goods in International Class 14;

Swiss Trademark registration No. 596749 for the word mark SWATCH GROUP, with registration date of February 11, 2010, covering services in International Classes 35, 36, 37, 38, 39, 41, 42, 43, and 45.

Several UDRP panels have recognized the Complainant’s SWATCH trademark as famous mark, for instance in *SWATCH AG v. Boomin Jeong*, WIPO Case No. [D2018-2627](#); *Swatch Ltd. v. Uli Kumli, Social-Media. Club*, WIPO Case No. [D2016-2338](#); *SWATCH AG/THE SWATCH GROUP AG vs Name Redacted*, WIPO Case No. [D2022-4622](#); *SWATCH AG/THE SWATCH GROUP AG vs Llanes, Lourdes*, WIPO Case No. [D2022-4344](#).

The Respondent registered the disputed domain name on August 19, 2025. According to the material brought before the Panel, the disputed domain name resolves to an inactive page.

On August 20, 2025, the Respondent used the disputed domain name as part of an email account "[...]@swatchgroup-ag.com" from which emails were sent allegedly from the Complainant's head of HR to apparently job seeking people residing in India. Therein, a job at the Complainant was offered but in order to "complete the further procedure", a certain security refundable amount, a so-called "application amount", had to be paid to an recruitment agency indicated therein. The emails included also an apparently forged work contract containing even orthographic mistakes.

On August 21, 2025, the Complainant sent a cease and desist letter to the Respondent to which he apparently never replied.

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 identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant argues that the disputed domain name incorporates the Complainant's trademarks SWATCH or SWATCH GROUP in its entirety and that the mere addition of a combination of arbitrary letters, such as the letter combination "ag", to a trademark is not sufficient to eliminate the confusing similarity with the Complainant's trademark. In this context, the Complainant cites *Edmunds.com, Inc. v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1043](#); *Golden Goose S.p.A. v. qingqing ai*, WIPO Case No. [D2020-3489](#); *Swatch AG/THE SWATCH GROUP AG vs Ali Bing*, WIPO Case No. [D2022-4241](#) to support this argument. The Complainant believes also that the mere addition of the generic Top-Level Domain ".com" should be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark and refers to *SWATCH AG v. Boomin Jeong*, WIPO Case No. [D2018-2627](#) and *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#).

The Complainant alleges also that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant states in this context that there are no signs that the Respondent has been commonly known by the disputed domain name, and that the Respondent is neither in any way related to the Complainant or its business activities nor has the Complainant granted a license or authorized the Respondent to use its trademarks or apply for registration of the disputed domain name.

The Complainant continues that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain, and so its actions do not fall within paragraph 4(c)(ii) of the Policy. The Complainant then concludes that given the fact that the Respondent is using the disputed domain name in order to impersonate the Complainant as well as for phishing and fraud and such use of the disputed domain name can never constitute a fair use under the Policy.

The Complainant alleges finally that disputed domain name was registered and is being used in bad faith. The Complainant argues that by using the disputed domain name, disregarding the added letter combination "ag", which indicates the company form "Ltd" legally required by Swiss company name law, without any other distinguishing elements, the Respondent is creating confusion and is giving potential users of its website the impression to be Complainant's official website and/or a website sponsored, affiliated, or otherwise endorsed by the Complainant. In addition, the Respondent has not provided any disclaimer or disclosure of the (lacking) relationship with the Complainant as no website has been linked to the disputed domain name.

The Complainant then states that the Respondent is using the disputed domain name to impersonate the Complainant by sending impersonating emails stemming from an e-mail address “[...]@swatchgroup-ag.com” to unsuspecting work seeking Internet users with a purported work contract offer at Complainant, whereby, upon relying to the Respondent, the latter requests the recipient of its emails to pay of a purported “ security refundable amount” to finalize the work contract and therefore, the Respondent is using the disputed domain name to defraud work seeking Internet users. The Complainant refers in this context to UDRP panels who have categorically held that the use of a domain name for such illegal activity such as, for instance, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, constitutes a bad faith registration and usage of a domain name such as the disputed domain name and refers to WIPO Overview of WIPO Panel Views on Selected, UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 3.4 and cases cited therein, especially, *Syngenta Participations AG v. Guillaume Texier, Gobain Ltd*, WIPO Case No. [D2017-1147](#); *The Swatch Group AG, Swatch AG v. John Wison*, WIPO Case No. [D2019-3182](#) in order to underline this argument.

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 3.0](#), section 1.7.

The Panel finds that the Complainant has established trademark rights in the SWATCH and SWATCH GROUP marks and that the entirety of both marks is reproduced within the disputed domain name. [WIPO Overview 3.0](#), section 1.2.1

The addition of terms to a trademark does not prevent a finding of confusing similarity where the trademark remains recognizable within the disputed domain name (see [WIPO Overview 3.0](#), section 1.8). Therefore, the addition of the letter combination “ag” after the trademark SWATCH GROUP, and the addition of a hyphen between both elements in the disputed domain name cannot prevent a finding of confusing similarity. The Panel further notes that the letter combination „ag“ constitutes an acronym in German („Aktiengesellschaft“) for a certain company form which can be translated into English with „Ltd“ and forms part of the company name as registered with the competent company registrar.

Accordingly, the disputed domain name is confusingly similar to the SWATCH and SWATCH GROUP marks for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.7).

Furthermore, the gTLD “.com” in the disputed domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1

For all these reasons, the Panel finds that the first element is established under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Based on the submissions and materials filed in this case, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, UDRP 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 (see [WIPO Overview 3.0](#), section 2.1).

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in the disputed domain name.

However, the Respondent has not provided any evidence of circumstances specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to rights or legitimate interests in the disputed domain name. Specifically, the Panel finds no evidence that the Respondent has been or is commonly known by the disputed domain name. The Respondent is neither affiliated with the Complainant nor has a license to use its trademark. The Respondent has also not rebutted the Complainant’s allegations and has not provided the Panel with any explanations as to the Respondent’s rights or legitimate interests.

In this case, the Respondent used the disputed domain name as part of the email account “ [...]@swatchgroup-ag.com” with the aim to impersonate the Complainant and to deceive job seeking Internet users with fraudulent intent for commercial gain. Such obviously fraudulent behavior cannot constitute a bona fide sale of goods or services, nor a legitimate non-commercial or fair use of the disputed domain name.

Hence, the Panel is convinced that the only reason for the Respondent to register the disputed domain name was, on balance, to capitalize on the Complainant’s goodwill by redirecting Internet traffic intended for the Complainant away from it and to use the disputed domain name for fraudulent purposes. Such behavior cannot constitute a bona fide or legitimate use of the disputed domain name (see also *Bright Imperial Ltd. v. Cleiton da Silva Pardim*, WIPO Case No. [D2013-1548](#)).

For all these reasons, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith.

The Policy, paragraph 4(b) sets forth four non-exclusive circumstances, which evidence bad faith registration and use of domain names:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name;
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct;
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

According to the materials brought before the Panel, the Panel finds that the disputed domain name has been registered and is being used by the Respondent in bad faith.

The Panel finds that the Respondent must have been aware of the Complainant's trademark and its services when it registered the disputed domain name. Several UDRP panels have recognized the Complainant's SWATCH trademark as famous mark, for instance in *SWATCH AG v. Boomin Jeong*, WIPO Case No. [D2018-2627](#); *Swatch Ltd. v. Uli Kumli, Social-Media. Club*, WIPO Case No. [D2016-2338](#); *SWATCH AG/THE SWATCH GROUP AG vs Name Redacted*, WIPO Case No. [D2022-4622](#); *SWATCH AG/THE SWATCH GROUP AG vs Llanes, Lourdes*, WIPO Case No. [D2022-4344](#). Thus, the Complainant's SWATCH and SWATCH GROUP trademarks enjoy a high degree of notoriety and are featured in the disputed domain name in their entirety. The Complainant has a substantive commercial presence given its branded retail stores on all continents as well as on the Internet. A simple search on a search engine reveals many references to the Complainant, which would have made the Respondent immediately aware of the Complainant. Furthermore, the Respondent combined the Complainant's trademark SWATCH GROUP with the German acronym "ag" which refers to a certain company form which can be translated into English with "Ltd" and moreover, the Respondent used the disputed domain name as an account name for emails sent to job seeking Internet users. Therefore, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's trademarks at the time of registration of the disputed domain name.

The Respondent's behaviour constitutes also use of the disputed domain name in bad faith.

The Panel finds that the disputed domain name is being used in bad faith by the Respondent. Having regard to the materials brought before the Panel, the Respondent used the disputed domain name as part of the email account "[...]@swatchgroup-ag.com" from which emails were sent to job seeking Internet users. Therein it was pretended that the Complainant's head of HR promised them a work contract with the Complainant provided that they pay a certain amount as a refundable deposit to an alleged recruitment agency mentioned there. Pretending to be the Complainant's head of HR while this is not the case and then inducing job seeking Internet users to pay a certain amount as a deposit to finalize certain formalities necessary to conclude an employment contract between the Complainant and them constitutes a fraudulent behavior.

Therefore, the Panel concludes that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark with the intent to unlawfully profit therefrom (see also [WIPO Overview 3.0](#), section 3.4 and there especially, *The Swatch Group AG, Swatch AG v. John Wison*, WIPO Case No. [D2019-3182](#)).

As described above, the Complainant's SWATCH and SWATCH GROUP trademarks are well-known trademarks. Moreover, the composition of the disputed domain name clearly targets the Complainant and its trademark. Furthermore, the Respondent has failed to take part in the present proceedings and did not reply to the cease and desist letter sent by the Complainant to the Respondent.

Moreover, the Respondent has apparently also provided inaccurate contact details when it registered the disputed domain name or failed at least to correct such false contact details. The Center has used the contact details given in the Whois record for the disputed domain name and those provided by the Registrar when attempting to send communications to the Respondent. The delivery of the Center's Written Notice failed because the contact details including the Respondent's alleged physical address were not accurate. Therefore,

the Panel notes that the Respondent may have provided incorrect contact details to frustrate or at least to delay this proceeding (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

Accordingly, in light of the circumstances, the Panel finds that the Respondent has engaged in the bad faith registration and use of the disputed domain name and therewith the establishment also of 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 <swatchgroup-ag.com> be transferred to the Complainant.

/Christian Schalk/

Christian Schalk

Sole Panelist

Date: November 4, 2025