

ADMINISTRATIVE PANEL DECISION

Swatch AG v. 寔蝶衣 (doudieyi, dou dieyi)

Case No. D2025-3977

1. The Parties

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

The Respondent is 寔蝶衣 (doudieyi, dou dieyi), China.

2. The Domain Name and Registrar

The disputed domain name <swatch-eu.shop> is registered with Xin Net Technology Corporation (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 30, 2025. On September 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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 (individual/entity of unknown nature; owner of Disputed Domains; Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 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 in English on October 14, 2025.

On October 9, 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 October 14, 2025, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not submit any comment on the 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 the Respondent in Chinese and English of the Complaint, and the proceedings commenced on October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 6, 2025.

The Center appointed C. K. Kwong as the sole panelist in this matter on November 12, 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 wholly-owned subsidiary of The Swatch Group Ltd ("Swatch Group"), which is one of the largest watch companies in the world employing about 31,000 people in 50 countries. Swatch Group is publicly traded on various stock exchanges.

The Complainant also owns branded retail stores throughout North America, Europe, the Middle East, Africa, Central and South America, Asia, and Australia.

The Complainant is the registered owner of trademarks consisting of or embodying the word "swatch". These registrations include:

Jurisdiction	Registration No.	Date of Registration	International Classification of Goods
International	506123	September 9, 1986	14
European Union	226019	October 2, 1998	14
China	232954	September 15, 1985	14

The Complainant is the owner of the domain name <swatch.com> which resolves to the website at which it operates E-commerce shops [Exhibit D.2. and D.3 to the Amended Complaint].

The disputed domain name was registered on August 15, 2025. It resolved to an active website at the time of filing of the Complaint. This website displayed the Complainant's SWATCH trademarks and logo, copied the layout and content of the Complainant's official site and purported to sell the Complainant's products.

Other than the particulars shown in the printout of the database searches conducted by the Complainant on the WhoIs Database (as provided in Exhibit B to the Amended Complaint) and the website page to which the disputed domain name resolved as shown in Exhibit G.1 to G.3 of the Amended Complaint, there is no evidence concerning the background, businesses or activities of the Respondent.

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.

The disputed domain name encompasses the entirety of Complainant's SWATCH trademark combined with the term "eu", an abbreviation of "European Union", which is insufficient to dispel the confusing similarity with the Complainant's SWATCH trademark.

The Complainants' SWATCH trademark is readily recognisable within the disputed domain name.

There is no evidence that the Respondent has been commonly known by the disputed domain name. The Respondent is not in any way related to the Complainant's 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 Respondent is using the disputed domain name in connection with a website with content copying those of the Complainant's website, in order to impersonate the Complainant and to lure consumers into buying counterfeit products or paying for products that were never delivered.

The Respondent is not making any noncommercial or fair use of the disputed domain name.

The Respondent systematically infringes on the Complainant's intellectual property rights.

The Respondent is offering products that are either counterfeits or that are not being delivered following payment. The Complainant has received multiple reports by defrauded consumers when shopping at the website associated with the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Having considered the records in the case file, the Panel is satisfied that the Center has discharged its responsibility under paragraph 2(a) of the Rules to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint.

6.1. Language of the Proceedings

The language of the Registration Agreement 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 proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, these reasons include:

- 1) In the circumstances of this case, it would not be fair or equitable to put the Complainant to the unnecessary time and expense of translating their pleadings into Chinese.
- 2) The disputed domain name solely consists of English terms ("swatch", "eu", "shop"), which shows that the Respondent has the ability to communicate in English.
- 3) The contents on the webpage to which the disputed domain name resolved are in English, and "EUR" currency is used.
- 4) English is the primary language for international trade.

The Respondent did not make any submissions with respect to the language of the proceedings despite the Center's notification to the Parties on October 9, 2025, in Chinese and English, advising that the language of the Registration Agreement for the disputed domain name is Chinese, and the Complaint was submitted in English.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2. Substantive Issues

In rendering its decision, the Panel must adjudicate the dispute in accordance with paragraph 15(a) of the Rules which provides that, “[t]he Panel shall 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”. Paragraph 14(b) of the Rules further provides that, “if a Party, in the absence of exceptional circumstances, does not comply with any provisions of, or requirement under, these Rules or any requests from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate”.

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 Complainant has shown rights in respect of the trademark SWATCH for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark SWATCH 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. The addition of the element “-eu” does not prevent a finding of confusing similarity of the disputed domain name and the Complainant’s SWATCH trademark.

It is well-established practice to disregard the generic Top-Level Domain (“gTLD”), here “.shop”, when assessing whether a domain name is identical or confusingly similar to the mark in issue. [WIPO Overview 3.0](#), section 1.11.1.

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 the second element. [WIPO Overview 3.0](#), section 2.1.

There is no legitimate explanation on the record as to why it was necessary for the Respondent to include the word “swatch” or adopt the expressions “swatch-eu.shop” (with the term “eu” being a short form for “Europe” and the word “shop” being a dictionary term) in the disputed domain name.

The Complainant has confirmed that it has not licensed the Respondent to use its trademark SWATCH in any way.

The use of the Complainant's SWATCH trademark plus the terms "eu" and "shop" as suffixes in the disputed domain name signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant's European origin or affiliation of the website to the Complainant's shops at the website to which the dispute domain name resolved.

Having reviewed the available records, 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.

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.

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.

The Complainant has registered its SWATCH trademark as detailed in section 4 above and has been using it for some 40 years before the registration of the disputed domain name by the Respondent in 2025. Given the incorporation of the unique SWATCH trademark entirely as part of the disputed domain name without any explanation and the prior substantial and extensive use of the Complainant's SWATCH mark worldwide including in China, the Panel finds that the Respondent must have been aware of the existence of the Complainant and its trademark SWATCH at the time of the registration of the disputed domain name. This finding has been reinforced by the fact that the Respondent has used the Complainant's SWATCH mark on the website to which the disputed domain name resolves.

The geographic indication "eu" meaning Europe suggest the geographical origin of the Complainant and the dictionary term "shop" may suggest a connection to the Complainant's shops. In the circumstances of this case, the Panel finds that the Respondent registered the disputed domain name in the knowledge of the Complainant's mark and with intent to target it.

It is noted that the Respondent has used the Complainant's SWATCH trademark and logo and has placed misleading statements of "© SWATCH AG 2025" [Exhibit G.1 to the amended Complaint] and "This website is operated by: The Swatch Group (UK) Limited" [Exhibit G.3 to the amended Complaint] on the website to which the disputed domain name resolves.

The Panel finds that the disputed domain name has been registered and used in bad faith under paragraph 4(b)(iv) of 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 <swatch-eu.shop> be transferred to the Complainant.

/C. K. Kwong/

C. K. Kwong

Sole Panelist

Date: November 26, 2025