

## ADMINISTRATIVE PANEL DECISION

Orbio World UAB v. Max Renout  
Case No. D2025-4070

### 1. The Parties

The Complainant is Orbio World UAB, Lithuania, internally represented

The Respondent is Max Renout, United States of America ("United States").

### 2. The Domain Name and Registrar

The disputed domain name <derilaergo-deutschland.com> is registered with Hostinger Operations, UAB (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 6, 2025. On October 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 8, 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 (unknown) 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 amendment to the Complaint on October 13, 2025.

The Center verified that the Complaint together with the amendment to the 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 1, 2025.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on December 4, 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 Lithuanian company engaged in the development and international commercialization of ergonomic pillows and related bedding products. The Complainant owns an extensive portfolio of trademarks containing or consisting of DERILA ERGO and DERILA, duly registered in numerous jurisdictions. These include registrations in the European Union, the United Kingdom, the United States, Australia, and an International Registration, including:

- European Union Registration for DERILA (figurative) No. 018694083, registered on August 13, 2022; and
- United Kingdom Registration for DERILA ERGO No. UK00004144940, registered on March 28, 2025.

The Complainant submitted ample evidence of its rights over trademarks DERILA ERGO and DERILA, including multiple certificates, covering pillows, mattresses, cushions, and related products.

Additionally, the Complainant provided screenshots of its official websites at the domain names <derila-ergo.com> and <derila.com>, as well as its Amazon listings.

The disputed domain name was registered on May 11, 2025. It resolves to a German-language website headed “Derila Ergo: das kissen, das alles verändert” (in English: “Derila Ergo: the pillow that changes everything”), containing marketing claims, commercial offers, and photographs closely matching or replicating the Complainant’s own materials. The website also features the Complainant’s mark and a logo very similar to the Complainant’s.

#### **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 bears the trademark DERILA ERGO, associated with the term “deutschland”, which is German name for the country Germany. This addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark. On the contrary, consumers are highly likely to assume that it is the official German distribution site of the Complainant.

The Complainant claims not to have any relationship with the Respondent and has never given the Respondent permission to use its mark or to use any kind of domain name incorporating this mark. The Respondent’s use of the disputed domain name does not constitute a bona fide offering of goods or services. The website hosted at the disputed domain name unlawfully reproduces the Complainant’s promotional materials and graphics. The overall impression conveyed is one of deliberate imitation, aiming to suggest that the site is an official German branch of the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. the Respondent has no rights or legitimate interests in respect to the disputed domain name; and
- iii. the disputed domain name has been registered and is being used in bad faith.

### 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 disputed domain name is, indeed, confusingly similar to the DERILA ERGO and DERILA trademarks, as the DERILA ERGO mark and the textual element of the DERILA trademark are entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of trademarks DERILA ERGO and DERILA in jurisdictions throughout the world, by presenting a substantial number of registrations for them.

The addition of the term "deutschland" in the disputed domain name does not prevent a finding of confusing similarity with the trademark. As stated repeatedly in UDRP panel decisions, the mere addition of a geographic term does not prevent a finding of confusing similarity. Section 1.8 of the [WIPO Overview 3.0](#) reflects consensus panel views that such additions are typically incapable of preventing the finding of confusing similarity when the relevant trademark remains clearly recognizable within the domain name.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademarks of the Complainant.

### 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.

The evidence submitted shows that the Respondent is using the domain name in connection with a website that mimics the Complainant's branding and purports to offer Derila Ergo products identical to those sold by the Complainant, without disclosing its lack of relationship with the Complainant, but features the Complainant's mark, a very similar logo and a copyright notice : "2025, Derila Ergo DE". The overall impression conveyed is one of deliberate imitation, aiming to suggest that the site is an official German branch or authorized reseller of the Complainant.

Panels have routinely held that such use - where the disputed domain name and associated website create a false impression of affiliation — cannot confer rights or legitimate interests. Section 2.5.1 of the [WIPO Overview 3.0](#) makes clear that the domain name composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

In the absence of any evidence to the contrary, the Panel concludes that the Respondent has no rights or legitimate interests.

### **C. Registered and Used in Bad Faith**

The Panel finds that the record presents a clear and compelling case under paragraph 4(b)(iv) of the Policy.

The website at the disputed domain name replicates the Complainant's product imagery, color schemes, features the Complainant's mark, a very similar logo and a copyright notice : "2025, Derila Ergo DE" and offers the Complainant's products — ergonomic pillows. It is difficult to conceive of any reason for the Respondent to select a domain name containing the exact trademark DERILA ERGO other than to exploit the Complainant's goodwill.

Section 3.1.4 of the [WIPO Overview 3.0](#) states that panels infer targeting when a domain name incorporates a complainant's mark coupled with content directly referencing the complainant's business and seeking to cause confusion. That is precisely the situation here, where the Respondent's website is unmistakably designed to appear as a German-language version of the Complainant's official or associated site.

In *DJ Soirée contre SARL DJ Events et SARL GN Multimedia, Arafa Mehdi*, WIPO Case No. [D2010-0487](#), the panel held that the attempt to create a likelihood of confusion is a classic example of bad faith.

The present case aligns squarely with that decision. The Respondent's actions show deliberate intent to attract users by creating a likelihood of confusion with the Complainant's trademarks, thereby diverting potential customers for the Respondent's presumed commercial benefit. UDRP panels, including this Panel in previous decisions, have consistently treated such conduct as conclusive evidence of bad faith registration and use.

The Respondent's silence in the face of these allegations only reinforces the inference of bad faith.

Accordingly, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

### **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 <derilaergo-deutschland.com> be transferred to the Complainant.

*/Alvaro Loureiro Oliveira/*

**Alvaro Loureiro Oliveira**

Sole Panelist

Date: December 18, 2025