

ADMINISTRATIVE PANEL DECISION

KW Vermögensverwaltung GmbH v. Schwerd Isaac
Case No. D2025-4156

1. The Parties

The Complainant is KW Vermögensverwaltung GmbH, Germany, represented by Bird & Bird LLP, Germany.

The Respondent is Schwerd Isaac, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <kaethe-welt.com> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 10, 2025. On October 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 11, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 13, 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 7, 2025.

The Center appointed Anne-Virginie La Spada 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 German company founded in 1964 that specializes in the sale of Christmas decorations and gifts. The products are offered online, in retail stores and also on Christmas markets in Germany and Europe. The Complainant sells products of its own brand, as well as products of other brands.

The Complainant is the owner of the following trademark registrations for KÄTHE:

- International registration no. 1664623 registered on January 21, 2022, in classes 4, 15, 16, 20, 21, 24, 25, 26, 28, 30 and 35 and designating various countries including the European Union, the United States and China;
- German registration no. 302021112713 registered on September 6, 2021, in classes 4, 15, 16, 20, 21, 24, 25, 26, 28, 30 and 35.

The Complainant operates a website under the URL “www.kaethe-wohlfahrt.com”. The corresponding domain name was registered by Kaethe Wohlfahrt KG, a sister company of the Complainant on December 19, 2003.

The disputed domain name was registered on September 16, 2025.

The disputed domain name resolves to a website in German displaying the banner “KAETHE-Welt” at the top of each page and purportedly offering for sale products of the Complainant as well as products of other brands. Prices are indicated in United States dollars and shipping is allegedly possible worldwide, but no other language than German is proposed (with the exception of the check-out page which is written in English). The website contains no mention of the person(s) in charge of its operation and no street address, even under the sections “Impressum” and “Kontakt”. Although the privacy policy refers to a contact form, no such form is available, and no email address is provided.

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 its registered trademark KÄTHE, the adjunction of the word “welt” not being suitable to lead to significant differences between the disputed domain name and the trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorised by the Complainant to use the disputed domain name and there is no indication that the Respondent is known by it. According to the Complainant, the disputed domain name is not being used in connection with a bona fide offering of goods and services, since the Respondent displays the Complainant's trademark and pictures of its products on the website. Furthermore, the website gives the impression that it serves fraudulent purposes, as no information is provided regarding who operates the website. According to the Complainant, the website poses a risk of phishing, and it is unlikely that the products are sent to buyers.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. According to the Complainant, the disputed domain name reproduces the Complainant's trademark in its entirety, the Respondent has displayed pictures of genuine products of the Complainant and globally used the look and feel of the Complainant's website to impersonate the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 of the domain name; and
- (iii) the 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 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 mark is recognizable 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.

According to the German grammatical rules, "ae" is used as a graphic equivalent of "ä" when a technical system does not allow the display of diacritical marks. This is the case in a domain name. The Panel therefore considers the Complainant's trademark to be recognizable within the disputed domain name.

Although the addition of other terms (here, "welt", which means "world" in German) may bear on 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 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.

Based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization to use its trademarks within the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name. Instead, based on the evidence provided by the Complainant, it appears that the Respondent used the disputed domain name in connection with a website using the pictures and product descriptions of the Complainant's products. The website's language is German, i.e., the language of the Complainant, without possibility to change the language. These elements create the impression of an official website, operated or at least endorsed by the Complainant.

According to UDRP panels, a respondent's use of a domain name is not be considered "fair" if it falsely suggests affiliation with the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

Finally, the Respondent did not file a Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

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

In the present case, several elements can indicate that the domain name might be used for illegitimate purposes, namely the fact that :no information is provided on the person or entity who is operating the website, the absence of any email or contact form, and the discrepancy between the used currency (United States dollars) and the language of the website (German only save for the check-out page)..

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name well after the Complainant's trademark had been registered. Given the longstanding use of the Complainant's trademark, and the circumstances of the use of the disputed domain name, the Panel finds it implausible that the Respondent chose the disputed domain name without having the Complainant's mark in mind. The Panel therefore accepts that the disputed domain name was registered in bad faith.

In addition, the Respondent used the disputed domain name in connection with a website displaying at the top of each page a banner featuring the Complainant's trademark and purportedly offering for sale the Complainant's products, thus creating the impression of an official website. Such use is apt to create the

false impression that the Respondent's website is operated or endorsed by the Complainant. Consequently, by using the disputed domain name in such manner, the Panel finds that Respondent intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source and affiliation of its website. Such behavior constitutes use 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 <kaethe-welt.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: November 27, 2025