

ADMINISTRATIVE PANEL DECISION

KW Vermögensverwaltung GmbH v. 林志冰 (linzhibing, lin zhibing)
Case No. D2025-4183

1. The Parties

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

The Respondent is 林志冰 (linzhibing, lin zhibing), China.

2. The Domain Name and Registrar

The disputed domain name <kaethe-wohlfahrt.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 October 13, 2025. On October 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 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 14, 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 in English on October 14, 2025.

On October 14, 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 proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 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 Deanna Wong Wai Man as the sole panelist in this matter on November 7, 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 business entity, established in 1964, specializing in Christmas-related products. It sells Christmas decorations and gifts through its online store, retail outlets, and Christmas markets across Germany and Europe.

The Complainant owns a portfolio of trademark registrations containing, inter alia, International Registration No. 556594 for the mark KÄTHE WOHLFAHRT, registered on August 10, 1990, in multiple classes, and International Registration No. 1664469 for the mark KÄTHE WOHLFAHRT, registered on January 21, 2022, also in multiple classes, designating among others China. Both registrations cover, inter alia, gift articles, including decorations for Christmas trees, and remain in full force and effect. The Complainant operates its official online shop accessible at <kaethe-wohlfahrt.com>.

The disputed domain name was registered on October 4, 2025 and directs to an active website in English, prominently displaying the Complainant's trademarks and product images, and purporting to offer the Complainant's products for sale at discounted prices.

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 its registered trademarks KÄTHE WOHLFAHRT (International Registrations No. 556594 and 1664469), which cover, inter alia, Christmas decorations, gift items, and related retail and online services. The Complainant argues that the disputed domain name reproduces the Complainant's trademarks in full, with only minor typographical changes, namely substituting "ä" with "ae", and using the generic Top-Level Domain ("gTLD") ".shop", which the Complainant states does not alter the overall impression.

Further, the Complainant essentially asserts that the Respondent has no rights or legitimate interests in the disputed domain name, as the Complainant has not authorized the Respondent to use or register the mark, and there is no evidence of any economic or commercial relationship between the Parties. The Complainant also contends that the Respondent does not hold any trademark rights corresponding to the disputed domain name and is not making bona fide use of the name in connection with legitimate goods or services. Instead, the Complainant argues that the Respondent's website offers the Complainant's products at discounted prices, without providing verifiable operator information, proper terms, or contact details, indicating fraudulent intent and demonstrating that the Respondent's use is not legitimate.

As to bad faith, the Complainant essentially maintains that the disputed domain name was registered and is being used in bad faith, since, at the time of registration, the Respondent was, or should have been, aware of the Complainant's trademarks. The Complainant also argues that the disputed domain name is used to create an impression of affiliation with the Complainant, including through replication of website design, product images, and branding. The Complainant adds that the Respondent employs a privacy shield, conceals operator information, and uses the domain in a manner likely to mislead consumers or divert traffic, potentially for fraudulent or commercial gain. The Complainant argues that the combination of these elements clearly supports the conclusion of both bad faith registration and bad faith use.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

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 proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including that the proceeding should be conducted in a language that ensures fairness and efficiency. As a German business entity unable to communicate in Chinese, requiring translations into Chinese would cause undue delay and impose substantial costs on the Complainant. Moreover, English is, according to the Complainant, "quite popular" in China, where the Respondent is located.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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, and giving particular weight to the fact that the website at the disputed domain name is predominantly in English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Findings on the Merits

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 Panel finds the mark is clearly recognizable within the disputed domain name, as the only differences between the Complainant's trademark and the disputed domain name are the substitution of the letter "ä" by the letters "ae" and the addition of the hyphen by the Respondent. 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 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.

Moreover, upon review of the facts and evidence, the Panel notes that the Respondent is not affiliated with, authorized by, or commonly known by reference to the KÄTHE WOHLFAHRT name or mark and that the Respondent has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services or any legitimate noncommercial or fair use of the disputed domain name. Instead, upon review of the facts and the evidence submitted in this proceeding, the Panel notes that the disputed domain name directs to an active website which shows a clear intent on the part of the Respondent to impersonate the Complainant and misleadingly pass the website at the disputed domain name off as the Complainant's website for commercial gain by prominently using the Complainant's mark and product images, and purportedly offering for sale the Complainant's products at discounted prices. In this regard, panels applying the Policy have consistently held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Additionally, the Panel also finds that the nature of the disputed domain name, being confusingly similar to the Complainant's trademarks and consisting only of a slightly altered spelling of the Complainant's trademark, carries a risk of implied affiliation, as Internet users may not notice the subtle difference between the disputed domain name and the Complainant's trademark (see [WIPO Overview 3.0](#), section 2.5.1).

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In the present case, the Panel notes that the Respondent has registered a domain name which is confusingly similar to the Complainant's KÄTHE WOHLFAHRT trademarks, which were registered decades before the registration date of the disputed domain name. Therefore, the Panel finds that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant's prior trademarks for KÄTHE WOHLFAHRT. This finding is further confirmed by the fact that the Respondent presents itself as

the Complainant on the website at the disputed domain name and apparently attempts to sell the Complainant's products at discounted prices on the website at the disputed domain name. Furthermore, the Panel notes that even a cursory Internet search or trademark search at the time of registration of the disputed domain name would have made it clear to the Respondent that the Complainant owned prior rights in its trademarks for KÄTHE WOHLFAHRT. In the Panel's view, the above elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent has registered the disputed 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.

As to use of the disputed domain name in bad faith, the Complainant provides evidence that the disputed domain name directs to an active web shop showing a clear intent on the part of the Respondent to misleadingly pass it off as the Complainant's. The Panel concludes from these facts that the Respondent is intentionally attracting Internet users for commercial gain to such website, by creating consumer confusion between the website associated with the disputed domain name and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. Further, panels have held that the use of a domain name for illegal activity, here, the claimed impersonation/passing off, constitutes bad faith, see [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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-wohlfahrt.shop> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: November 21, 2025