

ADMINISTRATIVE PANEL DECISION

Western Bulk Chartering AS v. Lefteris Tavladakis
Case No. D2025-4360

1. The Parties

The Complainant is Western Bulk Chartering AS, Norway, represented by SANDS Advokatfirma AS, Norway.

The Respondent is Lefteris Tavladakis, Greece, represented by PPT Legal, Greece.

2. The Domain Name and Registrar

The disputed domain name <westerlybulk.com> is registered with Enartia Single Member S.A. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 23, 2025. On October 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 30, 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 (Westerly Bulk) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 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 November 3, 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 November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2025. The Response was filed with the Center on December 4, 2025. On December 12, 2025, the Complainant filed a supplemental filing.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on December 15, 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

According to the Complaint and its annexed documentation, the Complainant is a Norway-based dry bulk cargo shipping company with a commercially controlled fleet of over 100 to 150 vessels operating worldwide. A report in the shipping industry news publication "TradeWinds" dated September 2, 2024, describes the Complainant's operated fleet as typically numbering 140 to 150 "bulkships" across mainly supramaxes and ultramaxs, plus handysizes and panamaxs. In the same article, the Complainant is said to have reported net profit before tax of USD 3 million for the first six months of that year, including a USD 3.4 million gain on positional freight derivatives. An article in the said publication dated August 15, 2024, also reports that, according to the Complainant's interim results, its gross revenue grew 13 per cent year on year to USD 647.4 million.

The Complainant uses the domain name <westernbulk.com>, registered on December 12, 1999, in connection with its official website. The logo used on said website is a square which is the same height as the following text, containing a geometric symbol in the center made up of two horizontal zigzag lines, stacked vertically, creating a stylized wave, along with the words "Western Bulk" in a sans serif typeface.

The Complainant is the owner of a variety of registered trademarks incorporating the term WESTERN BULK including:

Norwegian Registered Trademark Number 286114 for the word mark WESTERN BULK ASA, registered on March 1, 2016, in Class 39 (transportation services, including marine transport);

Norwegian Registered Trademark Number 286116 for the word mark WESTERN BULK CHARTERING AS registered on March 1, 2016, in Class 39 (transportation services, including marine transport);

Norwegian Registered Trademark Number 286117 for the word mark WESTERN BULK CARRIERS AS registered on March 1, 2016, in Class 39 (transportation services, including marine transport); and

European Union Registered Trademark Number 019171910 for the word mark WESTERN BULK registered on September 24, 2025, in Classes 36, 39, and 42 (financial services, shipping services, and software development).

An article in the said "TradeWinds" publication, dated August 26, 2016, states that Western Bulk Chartering had been spun off from Western Bulk ASA earlier that year, corroborating that the above Norwegian trademarks are owned by the Complainant's affiliate or parent company.

In addition to the above, the Complainant asserts unregistered trademark rights in the term WESTERN BULK and presents supporting evidence consisting of some 33 articles in the said "TradeWinds" publication regarding its corporate activities dating between July 4, 2014, and November 5, 2024. The majority of these articles consistently refer to the Complainant or its affiliated entities in abbreviated form as "Western Bulk", including in headlines, for example, "Western Bulk wins largest slice of disputed port fee arbitration" in the article dated July 4, 2014. The Complainant also produces some 14 articles relating to its activities in the "ShippingWatch" publication dating between March 17, 2017, and September 25, 2024. These articles similarly describe the Complainant's commercial activities and refer to it as "Western Bulk" both in headlines and body content. In addition, the Complainant's verified "LinkedIn" page asserts that the Complainant was established in 1982, has 51-200 employees and 109 associate members, and has 30,000 followers.

The disputed domain name was registered on December 31, 2024. The associated website is that of an entity named Westerly Bulk S.A. with an address in Greece. The said site describes this entity as “a dry bulk, privately owned, ship operating company engaging in the transportation of packed and unpacked dry bulk, and break-bulk commodities across the globe”. The logo on said website consists of a square which is the same height as the following text, with an inset square, followed by the words “Westerly Bulk S.A.” in a sans serif typeface. The Response has been filed on behalf of said entity, which was incorporated in the Marshall Islands on December 24, 2024, with a registered branch office in Greece with effect from July 10, 2025. This entity notes that the disputed domain name was registered inadvertently in the name of the manager of said company’s Greek IT and telecommunications services provider during its set up of operations.

The Complainant produces an email dated October 15, 2025, bearing to be from Westerly Bulk S.A.’s internal legal department to a member of an operations team at a third party shipping services company seeking feedback as to the applicability of certain port fees that had just come into effect. The content of the email indicates that the recipient is already in discussions with the operations department of Westerly Bulk S.A., and it is informed that said department will reply separately. However, the author of the email has also (accidentally, it seems) copied it to an email address relating to operations at the Complainant’s official domain name, namely <westernbulk.com>. The suggested explanation provided by the Complainant is that “Even [the Respondent’s] own Legal Department [...] confuses the names”.

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 the disputed domain name because the most distinctive and dominant elements of the Complainant’s marks, namely WESTERN BULK are preserved almost in their entirety, while the slight and superficial substitution of “ly” for “n”, and the pluralization “ers”, do not materially change the overall commercial impression. The Complainant also asserts that there is a visual and phonetic resemblance, a conceptual similarity, a sector and audience overlap, and an association with the Complainant’s domain name <westernbulk.com>, adding that the term “bulk S.A.” does not create sufficient distance but instead reinforces the impression of association with the Complainant’s brand.

In asserting unregistered trademark rights in WESTERN BULK, the Complainant says the term is well known to and well established with the relevant consumers, and has become a distinct identifier that they associate with the Complainant’s services, pointing to the volume of industry articles, and adding that “TradeWinds” is claimed to be the largest news service within the global shipping industry with 474,000 unique monthly users and 6,730 weekly readers. The Complainant also points to its being heavily featured in the “ShippingWatch”, industry publication, where the Complainant is described alongside four others as “major bulk carriers”.

The Complainant asserts that the Respondent cannot establish any of the circumstances set out in paragraph 4(c) of the Policy to demonstrate rights or legitimate interests in the disputed domain name, adding that its adoption and use thereof is a deliberate attempt to copy and leverage the Complainant’s longstanding brand in the global dry bulk shipping sector, with no independent trademark rights, no genuine historical identity, and no legitimate purpose unrelated to the Complainant’s goodwill. The Complainant submits that the Respondent has adopted a trading name and disputed domain name that are confusingly similar to the Complainant’s trademarks and official domain name, asserting that the disputed domain name is not used in connection with a bona fide offering of goods and services but to trade off the Complainant’s goodwill and reputation by misleading industry participants into believing that there is a commercial or corporate connection between the Parties, adding that the Respondent’s branding and visual presentation further mimic the Complainant’s identity.

The Complainant contends that there is no evidence that the Respondent has been commonly known as “Westerly Bulkiers” in the market prior to its registration of the disputed domain name, asserting that the associated website did not become active until the late spring of 2025. The Complainant indicates that the similarities between the Parties’ names suggest deliberate imitation on the Respondent’s part rather than a coincidental or independent choice of name, adding that the Complainant has operated under its name for four decades and has garnered substantial media recognition thereunder. The Complainant notes that the disputed domain name is being used in direct competition with it, whereby it is not a legitimate noncommercial or fair use and is intended for commercial gain by diverting the Complainant’s customers, partners and potential contracts away from the Complainant’s business via a likelihood of confusion as to source.

The Complainant contends that the disputed domain name has been registered and used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, adding that the Complainant enjoys significant goodwill and industry recognition dating back to 1982, holding relevant registered trademarks, that the Parties operate in the same commercial sector of global dry bulk shipping, and that the Respondent’s adopted name and the disputed domain name are highly similar to that of the Complainant and are being used in direct competition with it including an overlap in offered services, an identical target market, and deliberate use of similar branding elements on the Respondent’s part. The Complainant says that the difference between its marks, name and official domain name on the one hand and the disputed domain name on the other amount to no more than a slight variation which does not change the overall commercial impression and is likely to mislead users into believing that they are dealing with the Complainant or an affiliate.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that the Complainant had no registered trademark rights in Greece or the Marshall Islands at the time when the disputed domain name was registered, adding that the Complainant’s Norwegian trademarks are restricted in effect to Norwegian jurisdiction. With regard to the Complainant’s European Union trademark, the Respondent points out that the Complainant only filed for this after the Respondent had commenced trading, adding that said trademark was only registered nine months after the registration of the disputed domain name. The Respondent asserts that the Complainant’s said mark was registered with a view to disrupting the Respondent’s legitimate business under the name “Westerly Bulkiers”.

The Respondent submits that the disputed domain name is not confusingly similar to any of the Complainant’s Norwegian registered trademarks either visually, phonetically, or conceptually, adding that the term “Western Bulk” has three syllables, whereas “Westerly Bulkiers” consists of five. In terms of conceptual meaning, and with reference to dictionary entries, the Respondent contends that “western” means either “from the west” or references stories based on life in the west of the United States of America, and that “bulk” means a large mass, while “westerly” refers to a wind coming from the west, and “bulkiers” refers to ships carrying unpackaged cargo. The Respondent submits that the overall impression created by the disputed domain name is different from the Complainant’s marks, adding that the disputed domain name does not contain any of the words in said marks.

With regard to the Complainant’s claim of unregistered trademark rights, the Respondent contends that the Complainant has not furnished any evidence of use which might justify the acquisition of such rights, and has provided no information with regard to any jurisdiction in which such rights might have been said to have arisen, adding that the Complainant has not provided any evidence of use of the trademarks and signs invoked other than use as a trade name, nor has it provided information on yearly income or promotional spend, and that the “few articles” which the Complainant has produced are insufficient to prove its said claim.

The Respondent submits that it has rights and legitimate interests in the disputed domain name due to this representing its company name (absent the type of company designation), noting that said company was founded in December 2024 before the Respondent was approached by the Complainant, and its Greek

branch was approved by the relevant authorities in Greece before the Complainant's European Union trademark was registered. The Respondent asserts that it has used the disputed domain name in connection with a bona fide offering of goods and services, namely that it began using the disputed domain name for its corporate website very soon after its incorporation, for legitimate purposes associated with the communication and promotion of the Respondent's business as a dry bulk, privately owned, ship operating company engaged in the transportation of packed and unpacked dry bulk, and breakbulk commodities.

The Respondent asserts that it has never engaged in any actions which might qualify as bad faith under the Policy, submitting that none of the examples provided under paragraph 4(b) of the Policy apply to its conduct, adding that it established its business in the Marshall Islands and its Greek branch office long before the Complainant filed its European Union registered trademark, and that the company name chosen by the Respondent is different from any company name or trademark used by the Complainant.

6. Discussion and Findings

6.1. Preliminary issue: Identity of the Respondent

Paragraph 1 of the Rules defines the Respondent as "the holder of a domain-name registration against which a complaint is initiated". The Panel nevertheless has discretion to substitute or join another entity as a respondent by way of its general powers as set out in paragraph 10(a) of the Rules, and as discussed further below.

Here, the Panel notes that the holder of the disputed domain name is a third party, which the entity providing the Response states is its IT provider. It should be noted that the Complainant originally chose to direct the Complaint against the said entity rather than the holder of the disputed domain name. This choice was based presumably upon the fact that the entity's name and address are listed on the website associated with the disputed domain name. The said entity submits in the Response that its IT provider was listed as the registrant of the disputed domain name "arbitrarily at the stage of the Respondent's set up of operations, and of course with no intention to shield [the said entity's] identity". It appears therefore that the said entity has received notice of the Complaint, and likewise that neither of the Parties has any objection to it being substituted as the Respondent in this case. The Panel therefore orders such substitution.

Nevertheless, the name of the holder of the disputed domain name will be retained in the instance of this Decision for reasons of continuity and to allow the Registrar to implement the requested remedy in the event of the Complainant's success in the administrative proceeding.

Unless the context otherwise indicates, the Panel refers to the said entity as the Respondent throughout this Decision.

6.2. Procedural Issue: Complainant's Supplemental Filing

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.6.

In terms of paragraphs 10 and 12 of the Rules, panels have sole discretion whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

As noted in the procedural history section above, the Complainant filed a supplemental filing on December 12, 2025. The general thrust of this filing was to take issue with the date on which the Respondent's corporate website went live with reference to extracts from the Internet Archive "Wayback Machine". In light of the Panel's overall assessment, nothing turns on this matter, and as the administrative proceeding would require to be delayed in order to provide the Respondent with a right of reply to such supplemental filing, the Panel declines to admit it and will proceed to a Decision.

6.3 Substantive Issues

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 fact that the Complainant's registered trademarks are restricted to certain jurisdictions and that one post-dates the registration of the disputed domain name is not relevant to the first element assessment. [WIPO Overview 3.0](#), sections 1.1.2, 1.2.1, and 1.1.3.

Although somewhat less necessary for the purposes of the first element assessment, given that the Panel has found that the Complainant has UDRP-relevant rights in the various registered trademarks which it has cited, it is convenient also at this stage to consider the Complainant's claim to an unregistered trademark in the term WESTERN BULK. This may have significance in particular for the second and third element assessments below. To establish its claim, the Complainant must demonstrate how such mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services, relevant evidence of which may include a range of factors, such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. [WIPO Overview 3.0](#), section 1.3.

Here, the Complainant focuses on the degree of industry/media recognition from which it benefits by producing just under 50 articles in the shipping press relating directly to its commercial activities under the mark across a decade to 2024. As indicated in the factual background section above, each of the articles reports on the Complainant's business operations and/or financial performance, and in the vast majority of these, the Complainant is referred to as "Western Bulk". As far as the Panel is concerned, for the global shipping media to refer to the Complainant in this manner over such a lengthy period and in such a consistent way is ample evidence to support the Complainant's contention that this term has acquired a secondary meaning referring to the Complainant and its business as a source of dry bulk transportation services.

The Panel notes that while the Complainant made assertions regarding the circulation or coverage of the said publications, it did not provide independent supporting evidence on this point, although the nature and appearance of the articles themselves lend sufficient credence to the notion that both publications are directly targeted to the global shipping industry and are intended for wide circulation within that industry. While this would have been sufficient on its own, as a cross-check and for completeness, the Panel visited the "About Us" page of the "TradeWinds" publication, which specified that it has been operating for 30 years as "the go-to news source in shipping", offering "independent journalism, insight and business intelligence", adding that the publication gets "close to the key movers and shakers on the ground in the [United States of America], [United Kingdom], Norway, Greece, Singapore, China, India, and all points in-between". It may be particularly relevant for the second and third element assessments that the said publication specifically mentions both Norway and Greece regarding the subjects of its coverage, being the place where the Complainant is established and the place where the Respondent has recently set up a branch office

respectively. Similarly, the “About Us” page of the “ShippingWatch” publication specifies that it is owned by a Danish media company which also publishes three of the largest Danish dailies, and is an “independent online media with a mission to deliver credible, independent, critical, fair and topical business news about companies and people in the maritime industry”¹. In these circumstances, the Complainant’s recognition by both of these media outlets speaks volumes to the Panel.

As far as the Respondent’s criticisms of the Complainant’s claim to unregistered trademark rights are concerned, the Panel considers that it is not necessary for the Complainant to home in on any single jurisdiction as the location of such rights. It is sufficient as far as the Panel is concerned for the Complainant to show that it has received substantive media coverage under the relevant mark in relevant industry publications. Such publications in the present case are clearly intended to be international in scope whereby the Complainant’s rights might be said to span a wide range of jurisdictions. Furthermore, the nature of the Complainant’s business, being the international transportation of goods, naturally encompasses a wide range of jurisdictions, and the relevant consumers of such an international service would not necessarily restrict themselves to any single jurisdiction (or to an operator with its legal seat in any particular jurisdiction).

In terms of the Respondent’s allegation that the Complainant has not provided any evidence of use of the trademark other than as a trade name, again, the Panel is satisfied here with the media coverage which makes it clear that WESTERN BULK is the source of the services concerned and demonstrates that this has acquired a secondary meaning. Were it not so, headlines in the industry news such as that described in the factual background section above would make no sense. Consequently, it is clear to the Panel that when either “TradeWinds” or “ShippingWatch” refer in headlines or body content to “Western Bulk”, they mean the Complainant, and only the Complainant, and/or its affiliates, as a source of the relevant services. What is more, the Respondent’s criticism that the industry articles are “few” in number is simply not borne out by the sheer volume that the Complainant has placed before the Panel, or the length of the period covered by the various reports.

Finally, the Respondent asserts that the Complainant has provided no information on “yearly income or promotional spend”. As far as the latter is concerned, the fact that the Complainant has received such substantial industry coverage over the course of a decade renders the provision of that evidence unnecessary. The Complainant is evidently very well-known in its industry, even if no marketing or promotional spend has been put forward, and the Panel so finds. As far as the challenge on yearly income is concerned, the problem for the Respondent is that the Complainant’s reported financial performance is frequently the subject of the independent media reports which have been produced, for example, those articles described in the factual background section above covering its interim results in 2024.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

With regard to the comparison between the WESTERN BULK unregistered trademark and the disputed domain name, the Parties are at issue as to whether the latter is confusingly similar to the former on the basis of a visual, phonetic or conceptual assessment. Undertaking the typical straightforward side-by-side comparison between the two, the Panel finds them to be confusingly similar. The initial characters of each of the two words are alphabetically identical and in the same order for most of the characters, namely, “westerly” reproduces all but the final letter of the first word of the Complainant’s mark, substituting the letters “ly” for the said last letter, while “bulkery” reproduces all of the letters in the second word of said mark, adding on the letters “ers”. These small changes in the disputed domain name do not in the Panel’s view

¹See [WIPO Overview 3.0](#), section 4.8, which notes in part that it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. The Panel notes that it considered putting the finding of its research to the Parties but determined that this was not necessary as the Complainant’s Annex 7 was clear as to the source of the articles, whereby it was straightforward for both Parties to have identified the said “About Us” page had they chosen to do so, and notably, because the Respondent did not take issue with the Complainant’s assertions regarding the sources of the relevant industry coverage including the circulation figures of the “TradeWinds” publication.

render the Complainant's mark unrecognizable even if they also add an extra syllable in each case, very slightly extending the pronunciation.

As far as conceptual similarity or dissimilarity is concerned, the Respondent argues that each of "westerly" and "bulkiers" means something other than the words in the mark WESTERN BULK. The Panel is not persuaded that this is how the disputed domain name will necessarily be interpreted. In short, and in broad conceptual terms, "westerly" and WESTERN both reference the west, while "bulkiers" and BULK both reference (in the maritime context) bulk shipping. Furthermore, it is somewhat artificial to parse the disputed domain name into two elements when examining conceptual similarity, whereby the words "westerly" and "bulkiers" have to be reviewed individually, each for its own particular conceptual meaning. On the contrary, the disputed domain name is read with the two words juxtaposed, and when they are taken together, they are as a whole confusingly similar to the Complainant's mark due to the fact that the differences are minor and superficial in appearance. Such fundamental confusing similarity overrides any nuance in the conceptual meaning of each individually parsed word in the disputed domain name.

The Panel finds 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.

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, based upon its submissions that the Respondent is unable to establish any of the circumstances set out in paragraph 4(c) of the Policy, that its adoption and use of the disputed domain name is a deliberate attempt to copy the Complainant's brand in the relevant sector with no independent trademark rights or genuine historical identity, that the Respondent's branding mimics that of the Complainant, that there is no evidence that the Respondent has been commonly known as "Westerly Bulkiers" in the market prior to the registration of the disputed domain name, and that the disputed domain name is not being used for any noncommercial or fair use but is manifestly intended for commercial gain. In these circumstances, the burden of production shifts to the respondent to demonstrate such rights or legitimate interests. [WIPO Overview 3.0](#), section 2.1.

With regard to paragraph 4(c)(ii) of the Policy, it is clear that the Respondent was not commonly known by the disputed domain name before it was registered, given that the Respondent was only incorporated on December 24, 2024, and the disputed domain name was registered one week later, on December 31, 2024. Likewise, paragraph 4(c)(iii) of the Policy is not relevant because the Respondent is making a commercial use of the disputed domain name. Consequently, the essence of the Respondent's case is that before any notice to it of the dispute, it has used the disputed domain name (and a name corresponding thereto in the form of its corporate name) in connection with a bona fide offering of goods or services, conform to paragraph 4(c)(i) of the Policy. It is apparent from the record that the Respondent has begun to offer goods

or services via the disputed domain name, leaving the Panel with the question of whether such use may be regarded as bona fide.

The problem for the Respondent's case is that use of the disputed domain name would not generally be regarded as bona fide if its composition appears to be deliberately derived from and imitative of the Complainant's longstanding commercial identity. That appears to the Panel to be the position here. The Complainant has produced evidence showing that its name is so well-known in the Parties' industry that it is usually referred to without much in the way of qualification as "Western Bulk" in not one but two different industry news sources over the period of a decade. The evidence supports a reasonable inference that the Respondent would more probably than not have been aware of the Complainant's brand, and indeed the Response is careful not to deny prior knowledge of such on the Respondent's part. This being the case, it has to be more than mere coincidence, to the Panel's eyes, that the Respondent has selected a slightly adjusted variant of the Complainant's longstanding WESTERN BULK unregistered trademark, for the Respondent's own use in the Parties' mutual industry. It matters not in this context that "bulkers" may refer to a particular type of maritime service provider, and that "westerly" can mean a wind from the west. Taken together, and used in the industry context in which the Parties operate, they have the appearance of the Complainant's unregistered mark, or at least of a confusingly similar variant.

It must also be added that not only do the Parties share the same (i.e., maritime) industry but they also share the same niche within that industry, namely the provision of dry bulk shipping services. Likewise, it cannot be overlooked that when the Respondent came to design its corporate identity it chose a sans serif typeface (reproduced in white on navy blue in its website footer), together with a square device of the same height as the upper case letters of the chosen font, placed directly to the left of the initial capital "W". All of these features match the Complainant's logo on its official website per the Complainant's screenshots, with which the Respondent has not taken issue. Indeed, the only difference in the logos apart from the slight change to the text itself is the fact that the Respondent's square device contains a red inner square while the Complainant's corresponding square device contains the two wave-style chevrons described in the factual background. All of this suggests a deliberate intention on the Respondent's part to imitate the Complainant's name and trade dress.

Although the Respondent does not deny prior knowledge of the Complainant, it does attempt to argue that it was nevertheless entitled to adopt the disputed domain name because (1) this matches its registered corporate name; and (2) the Complainant's European Union trademark had yet to come into force, thus it did not have a registered trademark where the Respondent is based at the point when the disputed domain name was registered. With regard to the Respondent's selection of its corporate name, even when officially registered, this does not typically, on its own, lead to a finding of rights and legitimate interests under the Policy (*Royal Bank of Canada v. RBC Bank*, WIPO Case No. [D2002-0672](#)). With regard to the Complainant's European Union trademark, the Panel considers this to be something of a red herring because the record amply establishes the Complainant's longstanding unregistered trademark rights in the term WESTERN BULK for the reasons described above, and the Panel has found the disputed domain name to be confusingly similar to that mark, and that the Respondent likely knew this and intended it to be so. The Respondent's website further affirms its lack of rights and legitimate interests in the disputed domain name because it is used to market dry bulk shipping operations that, as noted above, match exactly the Complainant's field of activity which is directly aligned with the Complainant's said unregistered trademark, and the services which it has provided for at least a decade (on the basis of the present record).

Before leaving this topic, the Panel also wishes to comment upon the email produced by the Complainant and the Complainant's note that it represents an error by the Respondent's own legal department. As far as the Panel is concerned, this email serves to underline the fact that the potential for confusion between the Complainant's unregistered trademark and the disputed domain name in the context of day-to-day international shipping operations is both real and significant. The Panel assumes that the Respondent's legal department intended to copy its own operations department into this email but inadvertently copied in an email address referencing the Complainant's official domain name. If there was an alternative explanation to the Respondent's alleged error, as described by the Complainant, the Respondent did not provide it.

In all of the above circumstances, the Panel finds that while the Respondent is using the disputed domain name for an offering of goods or services, such use is not bona fide within the meaning of paragraph 4(c)(i) of the Policy. As this was the basis for the Respondent's case under the second element of the Policy, the Panel concludes that the Respondent has not rebutted the Complainant's prima facie case and therefore lacks rights or legitimate interests in the disputed domain name.

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.

Here, the third element analysis largely follows the analysis outlined in the preceding section. It follows that if the Respondent is not making a bona fide offering of goods and services under the disputed domain name because it deliberately selected this with intent to benefit unfairly from the Complainant's longstanding unregistered trademark rights in the mark WESTERN BULK, then the disputed domain name was registered in the knowledge of the Complainant's rights and with bad faith intent to target these.

The Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website, conform to paragraph 4(b)(iv) of the Policy.

The Panel is conscious of the fact that the Respondent appears to have a live business operating via the disputed domain name, noting that this fact may be established not only by the content of the associated website but also by the email apparently emanating from its legal department, which was produced by the Complainant. Consequently, given that there may also be a wider trademark dispute between the Parties, the Panel reminds the Parties that the mandatory administrative proceeding requirements set forth in paragraph 4 of the Policy do not prevent either of them from submitting the dispute to a court of competent jurisdiction for independent resolution after the proceeding is concluded (see paragraph 4(k) of the Policy). In such a proceeding, should the Respondent wish to defend its position, the Parties may be able to explore in far greater detail the issues between them including but not limited to the potential for industry and consumer confusion between their respective trading styles, all with the benefit of applications for interim relief, discovery orders, expert evidence, oral testimony, and cross-examination, which are not available under the Policy. With this in mind, the Panel notes that this Decision is rendered on the basis of the Parties' written submissions, and in accordance with the limited scope provided by the Policy and is not addressed to any particular (Court or trademark) forum that may ultimately be seized of the matter.

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 <westerlybulk.com> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: December 29, 2025