

## **ADMINISTRATIVE PANEL DECISION**

Falkensteiner Michaeler Tourism Group AG (FMTG AG) v. Alex Ivanchenko,  
Stephan Green

Case No. D2025-4384

### **1. The Parties**

The Complainant is Falkensteiner Michaeler Tourism Group AG (FMTG AG), Austria, represented by IT-Compliance.at, Austria.

The Respondents are Alex Ivanchenko, Ukraine, and Stephan Green, Republic of Moldova.

### **2. The Domain Names and Registrars**

The disputed domain name <falkensteineroffer.com> is registered with Web Commerce Communications Limited dba WebNic.cc. The disputed domain names <falkensteinerplus.com> and <falkensteinerpromo.com> are registered with Dynadot Inc (the “Registrars”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2025. On October 24, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On October 25 and 27, 2025, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (not identifiable/Domain Admin and Redacted for Privacy, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 31, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all the disputed domain names are under common control. The Complainant filed an amended Complaint on November 3, 2025.

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 Respondents of the Complaint, and the proceedings commenced on November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on December 2, 2025.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on December 8, 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 operates the European hotel chain Falkensteiner Hotels and Residences. The Complainant owns numerous trademark registrations for FALKENSTEINER such as European Union trademark registration No. 009543331, registered on March 10, 2011.

The disputed domain name <falkensteinerpromo.com> was registered on August 5, 2025, and resolves to an inactive website.

The disputed domain name <falkensteinerplus.com> was registered on August 29, 2025, and resolves to an inactive website.

The disputed domain name <falkensteineroffer.com> was registered on September 23, 2025, and resolves to a website which reproduces the Complainant's trademark and logo, contains the header "WELCOME TO FALKENSTEINER HOTELS & RESIDENCES", and offers the same services offered by the Complainant.

The evidence also reflects that the disputed domain names <falkensteinerpromo.com> and <falkensteineroffer.com> have been used for sending email communications which give the impression of being sent by the Complainant. The disputed domain names <falkensteinerpromo.com> and <falkensteinerplus.com> have also been used to invite customers to participate in so-called "charity campaigns" and for a small fee the customers would receive a "mystery box" of items.

#### **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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's trademark. The disputed domain names incorporate the Complainant's trademark FALKENSTEINER. The addition of the terms "promo," "plus" or "offer" do not prevent a finding of confusing similarity with the Complainant's trademark but reinforce the impression that the disputed domain names are official marketing or advertising sites of the Complainant.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainant has never authorized the Respondent to use its trademark. There is no bona fide offering of goods or services. The Respondent is not commonly known by the disputed domain names and has no affiliation or business relationship with the Complainant. The disputed domain names are used for phishing by impersonating the Complainant.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. Internet users were misled into participating in so-called “charity campaigns” via various websites and accompanying phishing emails. These communications created the impression that a clothing manufacturer was offering stock items in the form of a mystery box for the small fee of EUR 2.35. In reality, the Respondent’s actions are aimed at collecting personal data and credit card details for use in fraudulent activities.

## **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Matters**

#### **A. Notification of the Commencement of the Proceeding**

The Panel notes that no communication has been received from the Respondents.

Since the postal address of the Respondent, Alex Ivanchenko, is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)). Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center has used the Respondents’ email address as registered with the Registrar for the purposes of notifying the Complaint, as well as the Whols contact forms available via one of the Registrars, and the contact form available on the website at the disputed domain name <falkensteineroffer.com> registered by the Respondent Alex Ivanchenko. There is no evidence that the case notification email to the email address of the Respondents was not successfully delivered. The contact form available on the website at the disputed domain name <falkensteineroffer.com> was also apparently delivered.

Further, this Respondent apparently registered the disputed domain name <falkensteineroffer.com> as recently as September 23, 2025, and thus would appear to be capable of controlling the disputed domain name and the related content and, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if he wished to do so. The Panel also notes that the address for the other Respondent, Stephan Green, is reported to be located in the Republic of Moldova and has the same email address as the one for the Respondent Alex Ivanchenko, which may support an inference that the Respondent Alex Ivanchenko is actually not located in Ukraine.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of a Response) that the Respondents registered and have used the disputed domain names in bad faith and with the intention of unfairly targeting the Complainant’s goodwill in its trademark.

Accordingly, the Panel considers that it is able to proceed to determine this Complaint and to draw inferences from the Respondents’ failure to file any Response. While the Respondents’ failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondents’ default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

## **B. Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- 1) The composition of all the disputed domain names is very similar, consisting of the Complainant's trademark and an additional sale-related term;
- 2) The disputed domain names were registered within a short time frame from one another;
- 3) The disputed domain names were used for a fraudulent scheme; and
- 4) The same email address was used by different disputed domain name registrants to register the disputed domain names.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

## **6.2 Substantive Matters**

### **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 names. [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 recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "promo," "plus", or "offer" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

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

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.

In the present case, the Panel notes that the Respondent is using the disputed domain names to send fraudulent emails and hosts a website on at least one of the disputed domain names impersonating the Complainant as part of a fraudulent scheme. Emails were sent impersonating the Complainant and purporting to make an offer of a mystery box for a small fee. The disputed domain names were registered 14 years after the registration of the Complainant’s trademark. The Panel finds that the disputed domain names were registered and are being used in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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.

Panels have held that the use of a domain name for illegitimate activity here, claimed phishing and impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names 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 names <falkensteineroffer.com>, <falkensteinerplus.com>, and <falkensteinerpromo.com> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: December 10, 2025