

ADMINISTRATIVE PANEL DECISION

Wüsthof Dreizack GmbH & Co. KG v. Sandozs Donald
Case No. D2025-4671

1. The Parties

The Complainant is Wüsthof Dreizack GmbH & Co. KG, Germany, represented by McDermott Will & Schulte Rechtsanwälte Steuerberater LLP, Germany.

The Respondent is Sandozs Donald, United States of America.

2. The Domain Name and Registrar

The disputed domain name <wuesthofmesser.com> (the “Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2025. On November 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 12, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 amended Complaint on November 13, 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 Respondent of the Complaint, and the proceedings commenced on November 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 5, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on December 11, 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, that together with its related entities, produces and distributes cutlery under the WÜSTHOF brand. The Complainant offers a range of cutlery under the trademark WÜSTHOF (the “WÜSTHOF Mark”) as well as a related figurative mark. The Complainant promotes its products through various means including from its website at “www.wusthof.com” (the “Complainant’s Website”) which has been in use since 1998.

The Complainant holds the trademark registration for WÜSTHOF Mark in the European Union since 2000 (Registration No. 001233873, registered July 21, 2000, in classes 8 and 21).

The Domain Name was registered on October 13, 2025. The Domain Name is presently inactive but at the time of filing of the Complaint, it resolved to a website (the “Respondent’s Website”) that reproduced the Complainant’s mark and logo together with the copyrighted images of the Complainant’s products from the Complainant’s Website and purported to offer products identical to the Complainant’s products under the WÜSTHOF Mark 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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the WÜSTHOF Mark, having registered the marks WUSTHOF and WÜSTHOF in the European Union and Japan. The Domain Name is confusingly similar to the WÜSTHOF Mark as it merely removes the umlaut and adds the term “messer” (“knife” in German) to the mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the WÜSTHOF Mark. The Respondent is not commonly known by the WÜSTHOF Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by reproducing the Complainant’s WÜSTHOF Mark, figurative mark and copyrighted images of the Complainant’s goods while purporting to offer the Complainant’s goods. Such use is not a legitimate use of the Domain Name. The Complainant submits that the Respondent is seeking to defraud customers who confuse the Complainant’s Website with the Respondent’s Website and fraudulently obtain credit card details.
- c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent’s Website for commercial gain. Such conduct amounts to registration and use of the Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 Domain Name, since the only element of the mark not reproduced is the "ü" umlaut replaced by "ue". Accordingly, the Domain Name is 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, "messer" ("knife" in German) may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;

- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;

- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4;

- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Respondent's use of the Domain Name to resolve to the Respondent's Website which purports to offer cutlery under the WÜSTHOF Mark while reproducing copyrighted images of the Complainant's products taken from the Complainant's Website without any indication disclosing its lack of relationship with the Complainant does not amount to use for a bona fide offering of goods or services. It appears that the purpose behind the Respondent's Website is to encourage visitors, under the impression that they are dealing with the Complainant, to seek to purchase the cutlery purportedly offered by the Respondent, such conduct not being a bona fide offering of goods or services.

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.

The Panel finds that the Respondent must have been aware of the Complainant and its reputation in the WÜSTHOF Mark at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither is it immediately obvious, why an individual/entity would register a domain name that wholly incorporates the WÜSTHOF Mark together with a descriptive term and direct it to a website purportedly offering cutlery (using images taken from the Complainant's Website) under the Complainant's WÜSTHOF Mark (and figurative mark), and without any indication of its lack of relationship with the Complainant, unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its WÜSTHOF Mark.

The Panel considers that the record of this case reflects that the Respondent's purported offer of cutlery under the Complainant's WÜSTHOF Mark on the Respondent's Website cannot constitute fair use.

The Panel finds that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the WÜSTHOF Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 Domain Name <wuesthofmesser.com> be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: December 17, 2025