

ADMINISTRATIVE PANEL DECISION

Sport-Club Freiburg e.V. v. Scott Stuart

Case No. D2025-4781

1. The Parties

The Complainant is Sport-Club Freiburg e.V., Germany, represented by Dr. Ganteführer, Marquardt & Partner mbB, Germany.

The Respondent is Scott Stuart, United States of America.

2. The Domain Names and Registrar

The disputed domain names <scfreiburgfanshop.com>, <scfreiburgshop.com>, and <scfreiburgstore.com> are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2025. On November 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 20, 2025, the Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (UNKNOWN) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 20, 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 20, 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 December 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2025.

The Center appointed Lorenz Ehrler as the sole panelist in this matter on January 7, 2026. 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 well-known professional football club organised as a registered association with its seat in Freiburg im Breisgau, Germany. The first men's team of the club competes in the Bundesliga, the DFB-Cup, and UEFA competitions, while the first women's team plays in the top division, the Google-Pixel-Women's Bundesliga, and the DFB Cup.

The Complainant holds two European Union trademarks, namely:

- European Union trademark SCFREIBURG (stylised word plus logo), no. 018751321, filed on August 23, 2022 and registered on June 30, 2023, claiming in particular clothing goods in Class 25 and retail services for such products in Class 35; and
- European Union trademark SCFREIBURG (stylised word), no. 018751323, filed and registered at the same dates as the aforementioned trademark and claiming the same goods and services.

Furthermore, the Complainant holds the domain name <scfreiburg.com> that it registered on February 10, 1998. The website operated under the Internet address “www.scfreiburg.com” contains, among other things, a shop on which fan merchandise featuring the Complainant's trademarks are offered for sale.

The disputed domain names were all registered on June 9, 2024. The disputed domain names resolved to e-commerce websites on which similar goods as on the Complainant's website, i.e. fan merchandise featuring the Complainant's trademarks, were purportedly offered for sale. The websites prominently featured the SCFREIBURG trademark. The disputed domain names currently do not resolve to any website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to its SCFREIBURG trademarks. It stresses the fact that the additional elements “shop”, “fanshop”, and “store” in the disputed domain names do not reduce the risk of confusion.

Furthermore, the Complainant states that the Respondent is not affiliated or related to it in any way, and that it did not authorize the Respondent to use the trademark in question. The Complainant considers that the Respondent, not being an authorised reseller, is not entitled to use the SCFREIBURG trademark in the disputed domain names that resolve to e-shops on which SCFREIBURG products were offered for sale.

Lastly, the Complainant contends that the Respondent used the disputed domain names and the websites to which they resolved in a way to create confusion with the Complainant's trademark SCFREIBURG, which in its view constitutes bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names registered by the Respondent are 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 disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant holds two trademarks for SCFREIBURG. These trademarks are registered in International classes 25 (clothing) and 35 (diverse services) in the European Union. The trademarks put forward by the Complainant are sufficient to found the Complaint.

Under the UDRP, the identity or confusing similarity requirement under paragraph 4(a) of the Policy requires identity or confusing similarity between complainant's trademarks and respondent's domain name. There is no requirement of similarity of goods and/or services (e.g., *AIB-Vincotte Belgium ASBL, AIB-Vincotte USA Inc./Corporation Texas v. Guillermo Lozada, Jr.*, WIPO Case No. [D2005-0485](#)).

The existence of a confusing similarity within the meaning of paragraph 4(a) of the Policy makes no doubt in the present case. Taking into account that the trademark SCFREIBURG is recognisable, the other elements of the disputed domain names, i.e. the word "shop", "fanshop", and "store" do not prevent a finding of confusing similarity.

The Panel finds that paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain names. The Complainant has shown that it owns SCFREIBURG trademarks, and it has explicitly contested having granted the Respondent any right to use its trademarks. The Complainant has thus made a *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain names. In line with previous UDRP panel decisions, this means, in principle, that the burden of production shifts to the Respondent (e.g., *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

However, as results from the case file, the Respondent offers for sale fan merchandise identical or similar to those offered by the Complainant, by using the distinctive sign SCFREIBURG. Even though it is unclear whether the goods offered on the Respondent's websites which were operated under the disputed domain names are genuine products or counterfeits, and even though the Respondent did not identify itself on its websites, the Panel must consider the hypothetical (but rather unlikely) case that the goods offered are genuine, and therefore examine whether the website meets the Oki Data criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

While the Complainant (possibly) meets the first two requirements, namely that (i) it must be offering the goods or services at issue, and (ii) that it must use the website to exclusively offer goods under the trademark contained in the disputed domain names, it clearly fails to overcome the hurdle of the third requirement. The third requirement is that the website must accurately disclose the Respondent's relationship with the Complainant. In the present case, this is far from being the case, as the Respondent's websites did not contain any indications whatsoever clarifying the identity and the relationship of the Respondent with the Complainant (e.g., as an authorised distributor). To the contrary, its websites created the false impression that the Internet user was on the trademark owner's website, thus causing confusion.

As the Complainant rightly points out, the word strings “scfreiburgshop”, “scfreiburgfanshop”, and “scfreiburgstore” actually constitute an indication that fan merchandise of the Complainant’s can be purchased on or through the Respondent’s websites, and therefore even increases the risk of confusion (*Rockefeller & Co., Inc. v. All Value Network a/k/a AVN*, WIPO Case No. [D2011-1957](#)). As a result, the Oki Data principles do not show any legitimate use made by the Respondent as a distributor of (possibly) genuine SCFREIBURG fan merchandise.

Since no other legitimate use is likely, the Panel reaches the conclusion that the Complainant has made a *prima facie* showing that the Respondent does not use the disputed domain names for legitimate commercial or fair use purposes.

The Respondent having failed to respond to the Complaint, this Panel concludes that the Respondent does not have any rights or legitimate interests with respect to the disputed domain names.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must, in addition to the matters set out above, demonstrate that the disputed domain name has been registered and is being used in bad faith.

The Complainant submits that the Respondent registered and is using the disputed domain names in bad faith. The undisputed *prima facie* evidence establishes that the Respondent is not affiliated with the Complainant, and has no license or other authorisation to use the Complainant’s trademark or name.

The Respondent registered the disputed domain names well after the Complainant’s mark was in use and became known within its specific product market. The Panel finds that the Respondent must have known about the Complainant’s trademark and business when registering the disputed domain names. Given the use to which the Respondent put the disputed domain names, it seems totally impossible to this Panel that the Respondent was unaware of the Complainant’s trademark at the time of the registration of the disputed domain names.

The Respondent’s choice of the disputed domain names, which incorporated the SCFREIBURG trademark, and its offering of fan merchandise identical or similar to the Complainant’s under the latter’s trademark SCFREIBURG, shows indeed that the Respondent was aware of the existence of the Complainant’s trademark SCFREIBURG.

Even in the unlikely event that the Respondent offered genuine SCFREIBURG fan merchandise (e.g. as a non-authorised reseller) rather than counterfeits, the misleading of Internet users and consumers into thinking that the Respondent is, in some way or another, connected to, sponsored by or affiliated with the Complainant and its business, or that the Respondent’s activities are approved or endorsed by the Complainant, indicates bad faith (*Swarovski Aktiengesellschaft v. bingbing chen*, WIPO Case No. [D2011-1524](#)). In the present case, the Respondent actually intended to impersonate the Complainant by creating the impression that the websites at the disputed domain names were the Complainant’s. It is thus clear that the Respondent registered the disputed domain names to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant’s trademarks (cf. *Tottenham Hotspur Limited v. [Name redacted] and Maurice Buckhann*, WIPO Case No. [D2025-2937](#)). Paragraph 4(b)(iv) of the Policy.

At last, and as mentioned above, the disputed domain names are currently inactive. However, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this context, the Panel notes the reputation of the Complainant’s trademarks, the composition and previous use of the disputed domain names, and finds that in the circumstances of this case, the current passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The Respondent has not submitted any evidence to rebut the Complainant's claims and assertions. In the absence of such evidence and based on the evidence submitted by the Complainant and having regard to all the relevant circumstances, the Panel accepts the Complainant's contentions that the disputed domain names were registered and are being used in bad faith within the meaning of paragraph 4(a)(iii) 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 <scfreiburgfanshop.com>, <scfreiburgshop.com>, and <scfreiburgstore.com> be transferred to the Complainant.

/Lorenz Ehrler/

Lorenz Ehrler

Sole Panelist

Date: January 21, 2026