

## **ADMINISTRATIVE PANEL DECISION**

Liebherr-International AG v. Trevor Camarota  
Case No. D2025-4971

### **1. The Parties**

The Complainant is Liebherr-International AG, Switzerland, represented by Bettinger Scheffelt Partnerschaft mbB, Germany.

The Respondent is Trevor Camarota, Australia.

### **2. The Domain Name and Registrar**

The disputed domain name <liebherrinc.com> is registered with Porkbun LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 28, 2025. On December 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 2, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 2, 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 December 2, 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 December 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2025.

The Center appointed Peter Kružliak as the sole panelist in this matter on January 5, 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 multinational group of companies founded in 1949 and headquartered in Switzerland and Germany, employing over 50,000 people worldwide and operating more than 140 companies across all continents. It is one of the world's largest manufacturers of construction machinery and also operates in numerous other sectors, including mining equipment, aerospace and transportation systems, machine tools, refrigeration, and domestic appliances.

The Complainant has registered numerous LIEBHERR trademarks globally and is the owner of *inter alia* the following registrations:

- International trademark registration LIEBHERR (word), number 860617, registered on April 26, 2005 for goods and services for classes 7, 9, 11, 12;
- International trademark registration LIEBHERR (combined), number 1276186, registered on February 24, 2015 for goods and services for classes 1, 4, 7, 8, 9, 11, 12, 14, 16, 18, 21, 24, 25, 26, 28, 34;
- International trademark registration LIEBHERR (word), number 1382828, registered on July 25, 2017 for goods and services for classes 35, 36, 37, 38, 39, 41, 42, 43, 44, 45;

(collectively the "LIEBHERR trademark")

The Complainant promotes its products and services globally through its main website published under the domain name <liebherr.com>, and besides the core domain names <liebherr.com>, <liebherr.de>, <liebherrgroup.com>, and <liebherr-group.com>, owns domains combining its mark with descriptive terms, such as <liebherr-crane-selection.com> and <liebherr-cooling.com>.

The Respondent is from Australia. The disputed domain name was created on November 13, 2025, and based on the available record it resolves to an inactive webpage. The record also shows that email communication was sent from an email address created based on the disputed domain name to a third party discussing commercial terms.

#### **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 its LIEBHERR mark as it contains the trademark in entirety only with the addition of the descriptive term "inc", which is an abbreviation for "incorporated".

The Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which:

- the Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way, the Complainant has not granted any authorization to the Respondent to make use of its LIEBHERR mark in a domain name or otherwise and the Respondent is not commonly known by the disputed domain name;
- the disputed domain name does not resolve to any genuine website of the Complainant or to any independent, bona fide business of the Respondent, to the contrary it was used as an email infrastructure to send misleading and fraudulent communications to a third-party logistics provider and such conduct —

consisting of impersonation, misrepresentation, and an apparent attempt to perpetrate a fraud — cannot under any circumstances qualify as a bona fide offering of goods or services; and

- the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name was registered and is being used in bad faith for a number of reasons, among which that:

- The LIEBHERR mark is distinctive and internationally well known, the combination of the Complainant's well-known mark with the corporate suffix "inc" makes it clear that the Respondent specifically targeted the Complainant and intended to create the impression of an incorporated Liebherr entity;
- the disputed domain name has been configured not for a genuine website, but for email services, which were used to impersonate a real Liebherr employee and for sending email communication attempting to induce a third party to act in the mistaken belief that it is dealing with the Complainant, which underlines that the disputed domain name was registered and is being used with intent to deceive and to obtain commercial gain by creating a likelihood of confusion with the Complainant's mark.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. On January 9, 2026, well after the Response due date of December 25, 2025, the Respondent sent an email communication to the Center without any materially relevant content saying "Hello, I need help recovering my account. There was a problem with the liebherrinc.com domain. I received a complaint. Please do something. If someone needs this domain, give it to me. I have no complaints, just restore my account."

## **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 disputed 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 the LIEBHERR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the LIEBHERR trademark is reproduced within the disputed domain name and although the addition of another term, "inc", may bear on assessment of the second and third elements, the Panel finds the addition of such 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 generic Top-Level Domain ("gTLD") of the disputed domain name may be disregarded in determining identity and confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the LIEBHERR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

### **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.

The available record does not show any trademark registrations or earlier relevant rights of the Respondent corresponding to the disputed domain name, nor the fact that the Respondent is commonly known by the disputed domain name or that the Respondent was granted any authorization to use the LIEBHERR trademark by the Complainant.

Furthermore, Panel points to the emails impersonating the Complainant's employee in order to mislead a counterparty in a commercial transaction that were not rebutted by the Respondent. Panels have held that the use of a domain name for illegal activity, here, claimed impersonation and fraud, 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 first notes that the LIEBHERR trademark is registered in many jurisdictions globally and is of a distinctive nature. It is therefore generally not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's LIEBHERR trademark, which supports a finding of bad faith registration.

The Panel also points out the email chain impersonating the Complainant's employee and targeting a third party in order to mislead it in a commercial transaction. Panels have held that the use of a domain name for illegal activity, here, claimed impersonation and fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel therefore finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy and 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 <liebherrinc.com> be transferred to the Complainant.

*/Peter Kružliak/*  
**Peter Kružliak**  
Sole Panelist  
Date: January 19, 2026