

## **ADMINISTRATIVE PANEL DECISION**

### **ADESA Inc. v. Fayt Frederic and Bogdan Vasilescu Case No. D2025-5364**

#### **1. The Parties**

The Complainant is ADESA Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are Fayt Frederic, Belgium, and Bogdan Vasilescu, Romania.

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

At the time of filing of the Complaint, the disputed domain names <adesa.app>, <adesa-auctions.com>, and <adesa-clear.com> were registered with Hosting Concepts B.V. d/b/a Registrar.eu (the “Original Registrar”). Currently, the disputed domain name <adesa.app> is registered with Gransy, s.r.o. d/b/a subreg.cz, and the disputed domain names <adesa-auctions.com> and <adesa-clear.com> are registered with Tucows Domains Inc. (together the “Registrars”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2025. On December 23, 2025, the Center transmitted by email to the Original Registrar a request for registrar verification in connection with the disputed domain names. On December 24, 2025, the Original Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, Regery Ukraine LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 2025, providing the registrant and contact information disclosed by the Original Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 24, 2025.

On December 30, 2025, the Center noted a change of Registrars of the disputed domain names. The Center sent a number of email communications to the Registrars. On December 30 and December 31, 2025, the Registrars Gransy, s.r.o. d/b/a subreg.cz and Tucows Domains Inc. transmitted by email to the Center their verification responses, disclosing registrant and/or contact information for the disputed domain names which differed from the named Respondent (Frédéric Fayt) and contact information in the amended Complaint. On January 6, 2026, the Original Registrar confirmed that the change of Registrars occurred due to the fact that the disputed domain names were in “pendingTransfer” status at the time of filing of the Complaint and that this could not have been prevented by Registrar LOCK.

The Center sent an email communication to the Complainant on January 6, 2026, with the registrant and contact information of the nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints 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 domain names are under common control. The Complainant filed amended Complaints on January 9 and January 12, 2026.

The Center verified that the Complaint together with the amended Complaints 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 January 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2026. The Respondent Frederic Fayt sent email communications to the Center on January 13 and February 3, 2026.

The Center appointed Adam Taylor as the sole panelist in this matter on February 4, 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 has supplied online and physical vehicle auction solutions and services under the mark ADESA since 1989. Amongst other things, the Complainant operates in some 50 locations across the United States and its physical auction business was valued at USD 2.2 billion in 2022.

The Complainant owns a number of registered trade marks for ADESA including the United States trade mark No. 1783137, registered on July 20, 1993, in classes 35, 37 and 39.

One of the Complainant's digital products is called "ADESA Clear".

The Complainant operates a website at "www.adesa.com", which garnered over 500,000 visits in September 2025.

The creation dates shown on the WhoIs information for the disputed domain names are as follows:

- <adesa.app> and <adesa-clear.com>: January 29, 2025; and
- <adesa-auctions.com>: February 24, 2025.

The Respondents are collectively referred to below as "the Respondent", (the reasons for which are provided by the Panel in section 6.1 below), unless it is necessary to refer to them separately.

As of April 15, 2025, the disputed domain name <adesa-auctions.com> redirected to a vehicle auction website at "www.openlane.eu", operated by the Complainant's parent company. As of the same date, neither of the disputed domain names <adesa.app> and <adesa-clear.com> resolved to active websites.

As of April 15, 2025, MX records had been configured for the disputed domain names <adesa.app> and <adesa-clear.com>.

The Complainant sent cease and desist notices to the registrant of the disputed domain names on August 15, August 22 and August 29, 2025.

On December 11, 2025, an email branded with the Complainant's logo was sent to a third party from an email address at the disputed domain name <adesa-auctions.com>, including a purported confirmation/invoice regarding a purchase from "ADESA Private Sales" plus bank transfer details.

On December 15, 2025, the Original Registrar forwarded the Complainant's final cease and desist notice to the then-registrant of the disputed domain names (a privacy service). On the same date, the Complainant received an email purportedly sent by a person whose name corresponded with the registrant email address confirmed by the Original Registrar. That email stated that "[t]he owner of the domains is requesting 3000 euro for the domains" and listing the three disputed domain names.

According to the Original Registrar, transfer of the disputed domain name <adesa.app> to the Registrar Gransy, s.r.o. d/b/a subreg.cz was initiated on December 18, 2025, and transfer of the disputed domain names <adesa-auctions.com> and <adesa-clear.com> to the Registrar Tucows Domains Inc. was initiated on December 19, 2025.

## **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.

### **B. Respondent**

The Respondent did not file a formal Response, but it sent two informal emails to the Center.

On January 13, 2026, referring specifically to "Case No. D2025-5364 – <adesa.app> / <adesa-auctions.com> / <adesa-clear.com>", the Respondent Fayt Frederic acknowledged receipt of the Complaint and requested suspension of the proceedings to enable exploration of settlement. The Respondent also raised a number of enquiries for the Complainant, including: when did the Complainant first become interested in "these domain names"; what triggered that interest; why the Complainant was pursuing the disputed domain names now and whether the Complainant had contacted the Respondent Fayt Frederic prior to filing in order "to purchase or resolve the matter informally".

On February 3, 2026, having been informed that the Center would proceed to panel appointment, the Respondent Fayt Frederic stated that it objected to any transfer of the disputed domain names, that it disputed the Complainant's claims and that it considered the requested remedy unjustified.

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Consolidation**

The Panel is satisfied that the disputed domain names are subject to common control, this not having been denied by the Respondent, and that, in the circumstances, consolidation is fair and equitable to all Parties, and also procedurally efficient. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.

In particular, the Panel notes that:

- the disputed domain names <adesa.app> and <adesa-clear.com> were originally registered on the same day, and the disputed domain name <adesa-auctions.com> approximately one month after;
- the transfer of the disputed domain names to new Registrars, which occurred a few days after the previous registrant (Frédéric Fayt) received the Complainant's third cease and desist notice - and after

- it had sought (by email of December 15, 2025) payment of EUR 3,000 for the three disputed domain names, was almost certainly an act of attempted “cyberflight”;
- after the transfers, the Registrar Tucows Domains Inc. confirmed that the registrant of two disputed domain names <adesa-auctions.com> and <adesa-clear.com> was Bogdan Vasilescu;
  - after the transfers, according to the concerned Registrars, the registrant of the disputed domain name <adesa.app> was Fayt Frederic (while the previous registrant of all three domain names had been identified by the Original Registrar as “Frédéric Fayt”); furthermore, the postal address remained identical, and the domain name part of the registrant email addresses for Respondents Fayt Frederic and Bogdan Vasilescu is the same; and
  - following the transfers, the Respondent Fayt Frederic sent two email communications to the Center referencing all three disputed domain names without making any suggestion that the Respondent was not the controller thereof.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

## **6.2 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 trade mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognisable within the disputed domain names. Accordingly, the disputed domain name <adesa.app> is identical and the disputed domain names <adesa-clear.com> and <adesa-auctions.com> are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “auctions” and “clear”) 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 <adesa-auctions.com> and <adesa-clear.com> and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 recognised 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 3.1](#), 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 domain names for illegal activity, here, claimed phishing, passing off or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. See further under the third element below.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

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 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing, passing off or other types of fraud, constitutes bad faith. [WIPO Overview 3.1](#), 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.

In particular, the disputed domain name <adesa-auctions.com> has been used to send a fraudulent email impersonating the Complainant that was designed to elicit payment from a customer for a likely non-existent transaction.

As regards the disputed domain names <adesa.app> and <adesa-clear.com>, panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3.

For reasons discussed in section 6.1 above, the Panel is satisfied that the two passively-held disputed domain names <adesa.app> and <adesa-clear.com> are under common control with the disputed domain name <adesa-auctions.com> and, accordingly, likely are (or potentially will be) part of the same fraudulent scheme. The Panel has little difficulty in concluding that such circumstances are indicative of passive holding of the disputed domain names <adesa.app> and <adesa-clear.com> in bad faith.

The attempted "cyberflight" in relation to the disputed domain names, discussed in section 6.1. above, is an additional indicator of bad faith.

Furthermore, although the Respondent has made a blanket denial, it has not filed a substantive Response to specifically contest the Complainant's allegations or explain/justify its registration and use of the disputed domain names.

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 <adesa.app>, <adesa-auctions.com>, and <adesa-clear.com> be transferred to the Complainant.

*/Adam Taylor/*

**Adam Taylor**

Sole Panelist

Date: February 18, 2026