

ADMINISTRATIVE PANEL DECISION

Acciona, S.A. v. Park HyungJin
Case No. D2025-5386

1. The Parties

The Complainant is Acciona, S.A., Spain, represented by PONS IP, Spain.

The Respondent is Park HyungJin, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <acciona-apd.com> (the “Domain Name”) is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 23, 2025. On December 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 26, 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 (unknown, Redacted for GDPR privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 29, 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 amended Complaints on December 30, 2025 and on January 7, 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 Respondent of the Complaint, and the proceedings commenced on January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 28, 2026.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on February 2, 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.

On February 2, 2026, the Panel issued Procedural Order No. 1 instructing the Complainant to modify section IX (Mutual Jurisdiction) in its Complaint to ensure compliance with the Rules.

On February 9, 2026, the Complainant filed an amended Complaint duly modifying Section IX (Mutual Jurisdiction) in accordance with the Panel's Order.

4. Factual Background

The Complainant is a global group engaged in the development and management of sustainable infrastructure solutions, with a particular focus on renewable energy. Founded in 1997, the Complainant operates across the entire value chain, including design, construction, operation, and maintenance.

The Complainant is present in more than 65 countries across five continents. Its sales amounted to EUR 11,195 million in 2022 and EUR 17,021 million in 2023.

The Complainant is the owner of numerous ACCIONA trademark registrations, including:

- the International Trademark Registration for ACCIONA (figurative trademark) No. 881752, registered on February 16, 2006;
- the International Trademark Registration for ACCIONA (figurative trademark) No. 898130, registered on July 12, 2006; and
- the International Trademark Registration for ACCIONA (figurative trademark) No. 1513692, registered on February 27, 2019.

The Complainant is the owner of various domain names incorporating its ACCIONA trademark, including <acciona.com>, <acciona-services.es>, and <acciona-construccion.com>.

The Domain Name was registered by the Respondent on June 16, 2025.

The Complainant states that it controlled the Domain Name until March 23, 2023. The Domain Name was originally registered by the Complainant in connection with its "ACCIONA Producciones y Diseño (APD)" division and later redirected to the domain name <cultura.acciona.com>. The Complainant did not renew the Domain Name and consequently lost control thereof.

At the time of the filing of the Complaint, the Domain Name resolved to a website displaying Chinese-language content and links to other domain names and an app download, apparently related to online gaming or gambling services (the "Website").

As of the date of this Decision, the Domain Name triggers a browser security warning indicating that the connection is not private and does not display any substantive content.

5. Parties' Contentions

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

First, the Complainant contends that the Domain Name is confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid registrations for the ACCIONA trademark. The Domain Name incorporates this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See section 1.7 of the [WIPO Overview 3.0](#).

The addition of the term "-apd" in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the Complainant's ACCIONA trademark. Panels have consistently held that where the relevant trademark is recognizable within the Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

The Top-Level Domain ("TLD") ".com" in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Name is confusingly similar to the Complainant's ACCIONA trademark. Thus, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made 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 prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is 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.

In the present case, the Panel finds that the Complainant has established a prima facie case that the Respondent does not have any rights or legitimate interests in the Domain Name, and the burden of production of evidence shifts to the Respondent. See section 2.1 of the [WIPO Overview 3.0](#). Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the Complainant's ACCIONA trademark registrations predate the Respondent's registration of the Domain Name. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the ACCIONA trademark or to register the Domain Name incorporating this trademark. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Name.

The Panel considers that the composition of the Domain Name carries a risk of implied affiliation with the Complainant. See section 2.5.1. of the [WIPO Overview 3.0](#).

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Name. On the contrary, at the time of submitting the Complaint, the Domain Name resolved to the Website displaying Chinese-language content and links to other domain names and an app download, related to online gaming or gambling services. As of the date of this Decision, the Domain Name triggers a browser security warning indicating that the connection is not private and does not display any substantive content. Such use of the Domain Name in this case does not confer rights or legitimate interests on the Respondent.

In sum, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the Domain Name. Thus, there is no evidence in the case file that refutes the Complainant's prima facie case. The Panel concludes that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the ACCIONA trademark predate the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of the Complainant's ACCIONA trademark at the time of registration, as it has been proven to the Panel's satisfaction that this trademark is well known, and unique to the Complainant. Thus, the Respondent could not ignore the reputation of the ACCIONA trademark. This conclusion is further supported by the Complainant's uncontested statement that it controlled the Domain Name until March 23, 2023. The Domain Name was originally registered by the Complainant in connection with its "ACCIONA Producciones y Diseño (APD)" division and subsequently redirected to <cultura.accionacom>. In sum, the Respondent in all likelihood registered the Domain Name with the expectation of taking advantage of the reputation of the Complainant's ACCIONA trademark.

Furthermore, at the time the Complaint was filed, the Domain Name resolved to the Website featuring Chinese-language content, together with links to alternative domain names and an application download, apparently connected to online gaming or gambling activities. As of the date of this Decision, the Domain Name generates a browser warning that the connection is not private. The Panel finds, having regard to the totality of the circumstances of the case, that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Website.

For the reasons discussed above, the Panel finds the third element of the Policy has been established.

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 <accionacom> be transferred to the Complainant.

/Piotr Nowaczyk/

Piotr Nowaczyk

Sole Panelist

Date: February 17, 2026