

## **ADMINISTRATIVE PANEL DECISION**

TOP Onions B.V. v. Yun Yun, Tytzneg Ltd  
Case No. D2026-0257

### **1. The Parties**

The Complainant is TOP Onions B.V., Netherlands (Kingdom of the), represented by Advocatenkantoor Legalz B.V., Netherlands (Kingdom of the).

The Respondent is Yun Yun, Tytzneg Ltd, Cyprus.

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

The disputed domain name <theoniongroups.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 22, 2026. On January 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 22, 2026, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 2026, 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 January 26, 2026.

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 January 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 17, 2026.

The Center appointed Mladen Vukmir as the sole panelist in this matter on February 20, 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 TOP Onions B.V., a company incorporated under the laws of the Netherlands (Kingdom of the). The Complainant forms part of an international group of companies active in the cultivation, processing, and wholesale of onions, fruit, and vegetables. The Complainant has operated under the name "TOP ONIONS" since 1978.

The Complainant is the owner of several TOP THE ONION GROUP trademarks registered in various jurisdictions, including International Registration No. 1728114, registered on March 15, 2023, for goods and services in Classes 29, 31, 35, and 44 of the Nice Classification, and Benelux Registration No. 1470390, registered on November 29, 2022, for goods and services in Classes 29, 31, 35, and 44 (the "TOP THE ONION GROUP trademark").

The Complainant holds the domain name <theoniongroup.com>, which is used for its corporate website and email communications in connection with its business activities.

The disputed domain name was registered on November 10, 2025. At the time of filing of the Complaint, the disputed domain name did not resolve to an active website and displayed an error message.

#### **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:

- i) The Complainant is part of an international group active in the cultivation and wholesale of onions, fruit, and vegetables and has operated under the name "TOP ONIONS" since 1978. The Complainant relies on its registered TOP THE ONION GROUP trademarks, including International Registration No. 1728114 and Benelux Registration No. 1470390;
- ii) the disputed domain name is confusingly similar to its TOP THE ONION GROUP trademarks. It also relies on longstanding trade name rights in "TOP ONIONS", used since 1978. The Complainant submits that the disputed domain name differs from its domain name <theoniongroup.com> by only the addition of the letter "s", which is intended to create confusion, particularly as the Complainant uses "@theoniongroup.com" for its business email communications, and alleges that the disputed domain name was used for cybercrime or fraud;
- iii) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant submits that there is no evidence of any bona fide use of the disputed domain name, nor any demonstrable preparations to use it in connection with a legitimate offering of goods or services prior to notice of the dispute. The disputed domain name does not resolve to an active website and instead displays an error message. The Complainant asserts that the disputed domain name was registered solely to facilitate the illegal use of email addresses incorporating the Complainant's official domain name, thereby creating confusion and misleading third parties, and;

iv) the disputed domain name was registered and is being used in bad faith. It submits that fraud was committed using an email address associated with the disputed domain name shortly after its registration, in what is described as a Business Email Compromise (“BEC”) scheme. According to the Complainant, an altered invoice was sent to a customer using an email address mimicking a genuine employee of the Complainant, resulting in a payment of EUR 46,500 being transferred to an unknown bank account. The Complainant states that the disputed domain name was registered only days before the fraudulent email was sent, has filed a report with the Dutch police, and submits that these circumstances demonstrate bad faith registration and use.

## **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 disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

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

The Complainant has demonstrated registered rights in the trademark TOP THE ONION GROUP, including International Registration No. 1728114 and Benelux Registration No. 1470390.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The disputed domain name incorporates the dominant and distinctive elements of the Complainant’s trademark, namely “the onion group”, minus the “top” element and with the mere addition of the letter “s”. The addition of the pluralizing “s” does not prevent a finding of confusing similarity. The generic Top-Level Domain (“.com”) is typically disregarded for the purposes of the confusing similarity test ([WIPO Overview 3.1](#), section 1.11.1).

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 that 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 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 record does not indicate that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. There is no evidence that the Respondent is commonly known by the disputed domain name. Nor is there any indication of legitimate noncommercial or fair use. Although the Panel notes that the Complainant has not provided actual evidence of the claimed fraudulent use, the Panel finds that the composition of the disputed domain name, being confusingly similar to the Complainant's mark and almost identical to the Complainant's domain name, signals an intention on the part of the Respondent to confuse Internet users, and as such, prevents a finding of rights or legitimate interests on behalf of the Respondent.

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 which, 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 notes that the Respondent has registered the disputed domain name , which is almost identical to the Complainant's domain name <theoniongroup.com> and incorporates the distinctive elements of the Complainant's TOP THE ONION GROUP trademark. The disputed domain name differs from the Complainant's domain name only by the addition of the letter "s", which the Panel considers to be a deliberate and minimal variation. In the Panel's view, the addition of a single letter at the end of an otherwise identical domain name is unlikely to be coincidental, and instead suggests a conscious attempt to create a domain name that is visually and phonetically almost indistinguishable from that of the Complainant, thereby increasing the likelihood of confusion.

The Complainant's trademark rights predate the registration of the disputed domain name. Given the established use of the Complainant's mark and the near identity between the disputed domain name and the Complainant's primary corporate domain name used for its website and email communications, the Panel finds it more likely than not that the Respondent was aware of the Complainant and its trademark at the time of registration and specifically targeted the Complainant.

The Complainant has alleged that the disputed domain name was used in connection with email communications impersonating the Complainant in relation to invoices. Although the Complainant has not provided copies of the alleged fraudulent emails, the applicable standard of proof under the Policy is the balance of probabilities. In the circumstances of this case, the structure of the disputed domain name, which is particularly apt to facilitate email-based impersonation, supports the inference that the disputed domain name was registered and used for a misleading purpose.

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.

The Panel further notes that the apparent non-use of the disputed domain name in this case does not prevent a finding of bad faith. [WIPO Overview 3.1](#), section 3.3.

The Respondent has failed to submit a response or to provide any explanation for its registration of a domain name so closely corresponding to the Complainant's mark and domain name. The Panel draws adverse inferences from the Respondent's failure to participate in the present proceeding where an explanation is clearly called for. [WIPO Overview 3.1](#), section 4.3.

These factors collectively support the finding that the disputed domain name was registered and used in bad faith, in line with the criteria outlined in paragraphs 4(a)(iii) and 4(b) of the Policy.

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 name <theoniongroups.com> be transferred to the Complainant.

*/Mladen Vukmir/*

**Mladen Vukmir**

Sole Panelist

Date: March 6, 2026