

ADMINISTRATIVE PANEL DECISION

TTS Tooltechnic Systems AG & Co. KG v. 苏科(suke, su ke)

Case No. D2026-0366

1. The Parties

The Complainant is TTS Tooltechnic Systems AG & Co. KG, Germany, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 苏科 (suke, su ke), China.

2. The Domain Name and Registrar

The disputed domain name <festoolsale.com> is registered with Xin Net Technology Corporation (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 28, 2026. On January 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 2, 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 in English on February 2, 2026.

On February 2, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On February 2, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 25, 2026.

The Center appointed Francine Tan as the sole panelist in this matter on March 3, 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 the holding company of the TTS Group, which is known in the power tool market. It comprises companies that manufacture and supply power tools, accessories and consumer products. In 2024, the turnover of the TTS Group was EUR 830 million.

The TTS Group consists of several subsidiaries, including Festool. Some of the subsidiaries of the TTS Group have supplier relationships with Festool, a leading German manufacturer of high-quality power tools and accessories, specializing in woodwork, renovation, and industrial applications. Festool was founded in 1925 and is recognized globally for its premium-grade products. Festool has a strong international presence with operations across Europe, North America, and Asia-Pacific. It employs over 2,700 people worldwide. Its products are distributed to over 68 countries.

The Complainant is the owner of trade mark registrations for FESTOOL in various jurisdictions. Its trade mark registrations include the following:

- (i) China trade mark registration No. 8255304, registered on June 7, 2011;
- (ii) Germany trade mark registration No. 39743235, registered on February 10, 1998;
- (iii) United States of America trade mark registration No. 2511607, registered on November 27, 2001; and
- (iv) European Union trade mark registration No. 005561402, registered on October 19, 2007.

The Complainant maintains a strong online presence through its primary domain name <festool.com>, which was registered on October 13, 1999. During the period between December 2024 and February 2025, the Complainant's website had a total count of more than 162,000 visitors. The Complainant has 851,000 followers on its Facebook page and 608,000 followers on Instagram.

The Complainant also maintains a portfolio of about 175 domain names incorporating the FESTOOL trademark.

The disputed domain name was registered on October 25, 2025. Initially, it resolved to a website which the Complainant states was used to pass off as the Complainant's website. It copied the Complainant's logo and purportedly sold FESTOOL-branded products. Sometime in January 2026, the Respondent used the disputed domain name to direct Internet users to a website that is under construction.

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:

1. The disputed domain name is confusingly similar to the Complainant's FESTOOL trade mark. The FESTOOL trade mark is captured in the disputed domain name, with the addition of the generic term "sale". This additional word "sale" does not negate the confusing similarity with the Complainant's trade mark.
2. The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, nor has the Complainant given the Respondent permission, licence or authorization to use the FESTOOL trade mark. The Respondent is not commonly known by the disputed domain name. The registration date of the disputed domain name is long after the Complainant's trade mark was registered and first used. Further, the Respondent's website includes a login page that invites users to enter their email addresses and passwords. The disputed domain name is therefore used for phishing purposes. Such use does not constitute a bona fide offering of goods or services.
3. Even if the goods sold on the Respondent's website were legitimate products originating from the Complainant, the Respondent is not an authorized reseller or distributor, whose use of the disputed domain name does not comply with the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). In particular, the website has no visible disclaimer stating the non-existing relationship with the Complainant. Instead, the Respondent claims to be "Festool" in its About Us page and uses the copyright symbol with "Festool GmbH" throughout the website.
4. The disputed domain name was registered and is being used in bad faith. The FESTOOL mark is known internationally, with registrations across many countries. The Respondent has demonstrated that it knows and is very familiar with the Complainant's brand and business. The Respondent has attempted to cause confusion with the Complainant and its FESTOOL trade mark by passing off his/her website as the Complainant's. It has also registered the disputed domain name for nefarious phishing purposes. The fact that the disputed domain name appears since to resolve to a website under construction does not mean that there is no use in bad faith. It is clear that the Respondent knew of and targeted the Complainant's FESTOOL trade mark.
5. Additionally, the Respondent has engaged in a pattern of cybersquatting, as it holds registrations for several other domain names that misappropriate well known trade marks, e.g. BIRKENSTOCK, BRUNELLO CUCINELLI, CROCS, and LACOSTE.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- 1) the Complainant is unable to communicate in Chinese. A translation into Chinese of the Complaint would cause an undue burden to the Complainant and delay the proceedings;
- 2) the term "festool" which is the dominant portion of the disputed domain name does not have any meaning in Chinese.
- 3) the additional term "sale" in the disputed domain name is an English dictionary word; and

- 4) the disputed domain name resolves to an English site.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the FESTOOL mark is reproduced and 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 Panel finds the addition of the term "sale" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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 is not commonly known by the disputed domain name and was not licensed by the Complainant to use the FESTOOL mark or to register the disputed domain name incorporating the mark, which has been used for many years and across numerous countries. 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.

What of the fact that the goods sold on the Respondent's website may have been legitimate products originating from the Complainant? On this point the Panel agrees with the Complainant. Even if the products may have originated from the Complainant, the Respondent who is not an authorized reseller or distributor of the Complainant, has not met the conditions outlined in the Oki Data test, namely the requirement for the site to accurately and prominently disclose the Respondent's relationship with the trade mark holder. [WIPO Overview 3.1](#), section 2.8.1.

Panels have held that the use of a domain name for here, claimed as applicable to this case: phishing and passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

In view of all the circumstances, 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.

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 here, claimed as applicable to this case: phishing and passing off 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 name constitutes bad faith under the Policy.

Given the length of time of registration and use of the Complainant's FESTOOL mark, and its distinctiveness and reputation, as well as the content of the Respondent's initial website before it was discontinued sometime in January 2026, the Panel is persuaded that the Respondent knew of the Complainant and its FESTOOL trade mark at the time he/she registered the disputed domain name, and deliberately registered the disputed domain name for the purposes of attracting, for commercial gain, customers looking for the Complainant's goods, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website (paragraph 4(b) (iv) of the Policy).

The Panel also notes the pattern of conduct on the part of the Respondent in registering domain names which incorporate the names of well-known brands.

This is a typical case of cybersquatting. The Panel therefore finds that the disputed domain name has been registered and used in bad faith. The Panel's decision is in line with the principles set forth in [WIPO Overview 3.1](#), section 3.1.4, which states:

"Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith."

As regards the fact that the original webpage content appears to have been removed and the webpage is under construction, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trade mark, and the composition of the disputed domain name, and finds that in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel therefore 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 <festoolsale.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: March 6, 2026