

## **ADMINISTRATIVE PANEL DECISION**

Acer Incorporated v. Raj kumar, Dell  
Case No. D2026-0381

### **1. The Parties**

The Complainant is Acer Incorporated, China, represented by Rahul Chaudhry & Partners, India.

The Respondent is Raj kumar, Dell, India.

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

The disputed domain name <acerservicecenters.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2026. On January 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 29, 2026, 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 (Registrant of Domain Name www.acerservicecenters.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 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 February 9, 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 February 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 5, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on March 11, 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 company incorporated in Taiwan, China. It has offered a range of electronic products around the globe since 1976 and since at least 1987 in India. In particular the Complainant has developed a significant global reputation in its computers (and related services) which it offers under a trademark consisting of the word “acer” (sometimes with minor stylization) (“ACER Mark”). The Complainant promotes its goods and services through various means including through its website at “www.acer.com”, which it has held since 1994.

The Complainant has trademark registrations for the ACER Mark in numerous jurisdictions including India, the location of the Respondent, such as Indian Registration No. 470291, registered on April 3, 1987, for goods in class 9.

The Domain Name was registered on April 19, 2011. The Domain Name resolves to a website (the “Respondent’s Website”) that purports to offer repair services as an “Acer Authorized Service Center”. At the bottom of the webpage is the footer “Copyright © Acer Laptop Service Center. All Rights Reserved” and below that is a disclaimer in small print that commences with “Copy Rights Reserved - This is not an Acer Official Website (...) In this website have all trademarks, Brand logos, Product figures, price structures are the property of their respective owners”.

#### **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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of trademarks consisting of the word “Acer” registered in various jurisdictions. The Domain Name is confusingly similar to these marks as it merely adds the terms “service centers” and the generic Top-Level Domain (“gTLD”) “.com” to the mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the ACER Mark. The Respondent is not commonly known by the ACER Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by, without the Complainant’s permission, reproducing the Complainant’s ACER brand and purporting to be an authorized service center of the Complainant. Such use is not a legitimate use of the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent’s Website to disrupt the Complainant’s business and for commercial gain. Furthermore, the Respondent has engaged in a pattern of conduct; the Domain Name being similar to a related website involving a “.in” domain name in which the Complainant was successful before the National Internet Exchange of India (NIXI). Such conduct amounts to registration and use of the Domain Name in bad faith.

## **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 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 entirety of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is 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, "service centers", 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 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable 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. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.1](#), section 2.2.

- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.1](#), section 2.3.
- the Respondent is not 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 or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.1](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Respondent has used the Domain Name to operate a website offering IT services in respect of the Complainant's laptops. It is unclear whether the services offered are genuine (in the sense that the Respondent repairs Acer laptops, not that the Respondent is officially authorized by the Complainant to repair Acer laptops). If services offered are not genuine, the Respondent's use of the Domain Name does not grant it rights or legitimate interests since it is using the Complainant's ACER Mark in the commission of a fraud.

Even if the Respondent is offering genuine repair services in respect of the Complainant's products from the Respondent's Website, such use does not automatically grant it rights or legitimate interests. The principles that govern whether an entity offering genuine services under a domain name containing the complainant's trademark has rights or legitimate interests have been set out in a variety of UDRP decisions, starting with the case of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data test").

The [WIPO Overview 3.1](#), section 2.8.1 summarizes the consensus views of UDRP panels in assessing claims of nominative (fair) use by resellers or distributors in the following manner:

"Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the 'Oki Data test', the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to 'corner the market' in domain names that reflect the trademark.

The 'Oki Data test' does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant's trademark."

In this case, the Respondent's Website does not accurately or prominently disclose the Respondent's relationship with the Complainant, in particular that it is not an authorized repairer or has any particular connection with the Complainant. Rather the significant presence of the ACER mark including in the same font and format as used by the Complainant and the prominent display of the words "Acer Authorized Service Center" result in the impression that the Respondent's Website is the website of an authorized reseller and repairer of the Complainant's products, which is not the case. This issue is not cured by the presence of a disclaimer; the [WIPO Overview 3.1](#), sections 2.5.2 and 3.7, in discussing the effect of disclaimers refer to a "clear and prominent disclaimer". The disclaimer on the Respondent's Website, being at the bottom of the page, in small grey on grey print, directly below the more prominent statement "Copyright © Acer Laptop Service Center. All Rights Reserved" is not in any way sufficiently prominent to be of any relevance to the consideration of the impression presented by the Respondent's Website to the Internet users.

In the circumstances of this case, even in the event that the Respondent is offering genuine repair services for the Complainant's laptops, its use of the Domain Name for the Respondent's Website does not grant it rights or legitimate interests in the Domain Name. Moreover, the nature of the Domain Name itself, which incorporates the Complainant's mark and descriptive terms "service centers", coupled with the use of the Domain Name as described above, affirm the Respondent's intention of taking unfair advantage of the likelihood of confusion between the Domain Name and the Complainant as to the origin or affiliation of the website at the Domain Name.

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.

The Panel finds that the Respondent must have been aware of the Complainant and its ACER brand at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither is it immediately obvious, why an entity would register a domain name that wholly incorporates the ACER Mark and direct it to a website purportedly offering laptop repair services under the Complainant's ACER brand (without providing a clear and prominent disclaimer or any information about its own identity, thus failing to comply with the requirements of the Oki Data test) unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its ACER Mark. The registration of the Domain Name in awareness of the ACER Mark and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith.

The Panel considers that the record of this case reflects that the Respondent purported to offer IT services, under the Complainant's ACER brand on the Respondent's Website and claiming to be an authorized service center without the Complainant's approval and without meeting the Oki Data test. The Panel finds that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the ACER Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.1](#), section 3.1.4.

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 Domain Name <acerservicecenters.com> be transferred to the Complainant.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: March 12, 2026