

ADMINISTRATIVE PANEL DECISION

Masalo KG, Ulrike Röder v. 曾捍君 (Hanjun Zeng)
Case No. D2026-0474

1. The Parties

The Complainants are Masalo KG, Germany (“First Complainant”) and Ulrike Röder, Germany (“Second Complainant”), both represented by Patentanwaltskanzlei KUDLA, Germany.

The Respondent is 曾捍君 (Hanjun Zeng), China, self-represented.

2. The Domain Name and Registrar

The disputed domain name <masalo.com> is registered with Todaynic.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2026. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 12, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown Respondent / redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 17, 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 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2026. The Response was filed with the Center in Chinese on February 26, 2026 and included a request that Chinese be the language of the proceeding. On the following day, the Respondent sent an email communication to the Center in English and Chinese confirming that he had filed his complete and final Response.

The Center appointed Matthew Kennedy as the sole panelist in this matter on March 18, 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 March 20, 2026, the Center received an email communication from the Complainant.

4. Factual Background

The First Complainant is a German limited partnership. Its managing partner is the Second Complainant while its other partner is Mr. Harry Röder. The Second Complainant holds multiple trademark registrations, including the following:

- German trademark registration number 302014018517 for MASALO and device, registered on May 20, 2014 (application filed March 31, 2014), specifying goods and services in classes 5, 10, 25, 28, and 35;
- International trademark registration number 1270513 for MASALO and device, registered on September 26, 2014, designating multiple jurisdictions, including China, specifying goods and services in classes 5, 10, 25, 28, and 35; and
- International trademark registration number 1629151 for MASALO, registered on April 30, 2021, designating multiple jurisdictions, including China, specifying goods and services in classes 5, 9, 10, 25, 28, 35, and 44.

The First Complainant holds the following trademark registration:

- European Union trademark registration number 018336376 for MASALO, registered on March 30, 2021, specifying goods and services in classes 5, 9, 10, 25, 28, 35, and 44.

The above trademark registrations are current. The domain name <masalo.de>, which was created prior to 2007, was held by Mr. Röder at least as early as July 30, 2009 and appears to have been used by him in connection with an online store from 2009. This domain name has been held by the Second Complainant since 2012 or 2013 and currently redirects to an online store associated with the domain name <masalo.eu>.

The Respondent is an individual based in China.

The disputed domain name was created on March 5, 2010.¹ According to email server logs presented by the Respondent, he has used the disputed domain name in email addresses, one with a personal username since at least May 2010 and the other with the username “services” since at least September 2010.

On October 16, 2020, the Complainants engaged a domain name broker to contact the Respondent and enquire about purchasing the disputed domain name. On October 22, 2020, the broker indicated that it had reached the disputed domain name holder and that his asking price was EUR 12,000.

On May 23, 2025, the Complainants sent an email to the Respondent via the Registrar, giving notice of its trademark rights and requesting a transfer of the disputed domain name for a nominal sum. The Respondent replied by email dated May 28, 2025, in which he indicated that he was not familiar with the MASALO brand, that he had not used the disputed domain name for any commercial activities, and that he has been using it for email since May 2010. The Complainant sent follow-up emails on June 17, 2025 and August 5, 2025.

¹ The Complainant alleges that on March 27, 2010 the disputed domain name resolved to a webpage displaying the text “MASALO 建设中，敬请期待！！！” (“Under construction, please stay tuned!”) and later temporarily redirected to the portal <185.com> but these allegations are not substantiated.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the business operated under the designation MASALO was originally conducted by Mr. Röder, who used the sign MASALO as a trade name in the course of his commercial activities. These business activities were subsequently continued by the First Complainant as legal successor, without interruption, ensuring continuity of the trade name use and the associated goodwill.

Long before the registration of the disputed domain name, the Complainants had already acquired enforceable rights in the sign MASALO through its use as a trade name and business identifier. For the purposes of the first element of the Policy, such trade name rights qualify as unregistered trademark rights, provided that the sign has acquired distinctiveness as a source identifier through use. In the present case, the designation MASALO had acquired distinctiveness as a business identifier no later than 2009. The Complainants also rely on their registered trademarks. The disputed domain name is identical to the Complainants' distinctive word mark MASALO.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants have never authorized, licensed, or otherwise permitted the Respondent to use the designation "Masalo", nor to register or use any domain name incorporating that designation. The Respondent has no business, contractual, or other relationship with the Complainants and is not affiliated with them in any manner.

The disputed domain name has been registered and is being used in bad faith. Given the distinctiveness of the designation MASALO, its consistent use in the course of trade, and its growing commercial presence prior to 2010, the Respondent could not have registered the disputed domain name without awareness of the Complainants' rights. The timing of the registration of the disputed domain name shortly after the commencement of the Complainants' online sales activities and during a period of increasing commercial success cannot plausibly be explained as a coincidence. The Respondent registered the disputed domain name primarily for the purpose of selling it to the trademark owner for valuable consideration in excess of registration costs. The disputed domain name has never hosted any website or genuine content. The Respondent's use of an email address such as "services@masalo.com" is inherently misleading as it falsely suggests the existence of an operational business or customer service function under the MASALO designation. Customers repeatedly reported that they had mistakenly sent emails to the address "service(s)@masalo.com", believing it to be associated with the Complainants' business, and never received any response. The Respondent's use of this email address cannot be explained by any legitimate purpose. Further, the disputed domain name blocks registration by the legitimate trademark owner.

The Respondent's alleged email use is merely nominal and does not constitute genuine use capable of establishing rights or legitimate interests under the Policy. Rather, it confirms that the disputed domain name has effectively been passively held for more than 15 years.

B. Respondent

The Respondent contends that the Complainant has not satisfied any of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that the Complainants' later-acquired trademark rights cannot override his prior domain name rights, which were legally registered and have been continuously used. The Complainants claim to have acquired unregistered trademark rights prior to 2010 based on a trade name in Germany but trademark rights are territorial and the Complainants failed to provide any evidence that their trade name usage or brand goodwill extended to China before March 2010. The Respondent could not

possibly have been aware of the Complainants' business activities in Germany. The disputed domain name is identical to MASALO but there is no confusing similarity because it has never been used commercially.

The Respondent has rights and legitimate interests in respect of the disputed domain name. He has continuously and lawfully used it for personal email. He was unaware of the Complainants or any MASALO-related brand at the time of registration. He chose the disputed domain name solely for personal convenience. The Complainants provide no evidence of customer confusion caused by email use. The Respondent lawfully holds the disputed domain name in accordance with the Registration Agreement.

The disputed domain name was not registered and is not being used in bad faith. It was registered in good faith for personal use and was not a case of knowingly registering another party's trademark. While the Respondent cannot confirm whether he ever received an email from the domain name broker in 2020, he does confirm that he never replied to it, never made an offer, and never authorized anyone to make an offer on his behalf. The disputed domain name is not passively held but is used for email. He did not block the Complainants' registration in the ".com" generic Top-Level Domain ("gTLD"); rather, the Complainants failed to apply for their trademarks and a domain name in that gTLD in a timely manner. The Respondent replied to the Complainants setting out his position in his email of May 28, 2025 and was under no obligation to reply to follow-up emails.

6. Discussion and Findings

6.1 Preliminary Issues

A. Consolidation - Multiple Complainants

The Complaint was filed by two complainants against a single respondent. The Second Complainant is the general partner of the First Complainant and each of them owns one or more trademark registrations for MASALO or MASALO and device. The Panel finds that the Complainants have a common grievance against the disputed domain name registrant and that it is efficient to permit the consolidation of their complaints. Therefore, the Complainants are referred to below separately and jointly as "the Complainant" except as otherwise indicated.

B. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is English. 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is in Latin characters; the Complainant sent correspondence in English prior to this dispute; and translation of the Complaint into Chinese would incur unnecessary costs and delay.

The Response was filed in Chinese. The Respondent requested that the language of the proceeding be Chinese for several reasons, including the fact that the Registrar is located in China where its registration agreement defaults to Chinese, the Respondent is a Chinese citizen, and the use of Chinese allows the Respondent to set out his legal position in a more accurate and comprehensive manner.

The Panel notes that the Parties corresponded in both English and Chinese prior to this proceeding. The content of the Response shows that the Respondent has in fact understood the Complaint.

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, but that the Panel will accept the Response as filed in Chinese without translation.

C. Complainant's Unsolicited Supplemental Filing

The Complainant made an unsolicited supplemental filing two days after the appointment of the Panel.

Paragraph 10(d) of the Rules provides that "[t]he Panel shall determine the admissibility, relevance, materiality and weight of the evidence". Although paragraph 12 of the Rules empowers the Panel, in its sole discretion, to request further statements or documents from either of the Parties, this does not preclude the Panel from accepting unsolicited filings. See *Delikommat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#).

In its unsolicited supplemental filing, the Complainant comments on the evidence submitted by the Respondent regarding his email use. The Panel observes that the Complainant could not have reasonably anticipated this evidence at the time when it filed the Complaint. The Complainant's supplemental filing is relatively brief, and accepting it will not cause any prejudice to the Respondent.

Therefore, the Panel exercises its discretion to admit the Complainant's unsolicited supplemental filing and will take it into consideration in this Decision according to its relevance, materiality, and weight.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. Failure to demonstrate any one element will result in denial of the Complaint.

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. See [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown registered rights in respect of MASALO trademarks for the purposes of the Policy. Those registered rights existed at the time when the Complaint was filed, which is sufficient for the purposes of the first element of the Policy. However, the timing of these registrations is taken into account in relation to the third element of the Policy below. See [WIPO Overview 3.1](#), sections 1.1.3 and 1.2.1.

The Complainant also claims pre-existing unregistered rights in MASALO. The Panel recalls that, in order to establish unregistered or common law trademark rights for purposes of the UDRP, a complainant must show that its mark has become a distinctive identifier that consumers associate with its goods or services, or both. See [WIPO Overview 3.1](#), section 1.3.

The Complainant claims that the designation “Masalo” acquired distinctiveness no later than 2009 through its use by Mr. Röder (later a partner in the First Complainant) as a trade name. However, the Panel recalls that a trade name that merely identifies a business is not sufficient to satisfy the first element of the Policy as, in order to demonstrate rights in a trademark or service mark, a trade name must also function as a mark for goods or services. Here, the Complainant does not state the nature of any goods or services in which Mr. Röder traded. While the Panel can glean from the evidence that Mr. Röder sold clothes and accessories², the Complainant does not state whether it continues to trade in such goods³, such that any unregistered trademark rights with respect to those goods might still exist.

In any case, there is no evidence that Mr. Röder used “Masalo” on a stand-alone basis, whether as a trademark or otherwise. He appears to have operated an online shop at the website address “www.masalo.de” at the relevant time. The Complainant submits invoices issued by him that all featured his website address in the business identifier. The invoices were headed “www.MASALO.de Shop für Lifestyle & More” in 2009 (meaning “www.MASALO.de the shop for lifestyle and more”) and those in 2010 added “mit dem kleinen extra” (meaning “with that little extra”). Mr. Röder also used the designation “masalo-shop” and his personal name, not “Masalo”. An email dated March 30, 2010 offering a discount to his customers was signed off “Ihr Masalo Shop, Harry Röder, MASALO Shop der Shop für Lifestyle & More mit dem ‘kleinen EXTRA’” (meaning “Your Masalo-Shop” etc.). An eBay account statement for February 2010 shows that his member name on that platform was also “masalo-shop”, not “Masalo”. There are no screenshots of his website or his eBay storefront to show how they designated his goods or his business.

In these circumstances, the volume or geographical scope of sales made by Mr. Röder cannot demonstrate the existence of a MASALO trademark. For the record, his invoice numbering gives rise to the inference that he had issued at least 225 invoices by January 2010. His eBay account statement shows that he made hundreds of sales on that platform in February 2010. All this evidence is in German and the customer addresses on the invoices are all in Germany.

In sum, the Panel does not find that the evidence on record establishes that MASALO became an unregistered distinctive identifier that consumers associated with the goods or services of Mr. Röder, through whom the Complainant claims unregistered trademark rights. However, the Panel will continue its assessment of identity or confusing similarity based on the Complainant’s registered rights.

The entirety of the registered MASALO mark is reproduced within the disputed domain name. The only additional element is a gTLD extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is identical to the MASALO mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Given the Panel’s findings in Section 6.2C below regarding the third element of the Policy, it is unnecessary to consider the second element.

C. Registered and Used in Bad Faith

The Panel notes that the third element of paragraph 4(a) of the Policy contains two requirements that apply conjunctively. A complainant must show both that the disputed domain name has been registered in bad

² Mr. Röder’s September 2009 invoice was for a DVD but his January 2010 invoices were for clothes; his February 2010 sales on eBay appear to have been for clothes and accessories; and his March 2010 email offered a discount on tunics, hippie dresses and skirts, and bags, among other goods.

³ The Complainant submits that all its trademark registrations cover inter alia “medical, therapeutic and orthopedic devices, in particular orthopedic supports, bandages, and related goods in class 10”.

faith and also that it is being used in bad faith. The former requires a demonstration that the Respondent knew, or should have known of the Complainant and/or the Complainant's trademark at the time when it registered or acquired the disputed domain name and that it registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

In the present case, the disputed domain name was registered in 2010, four years before the earliest registration of the Complainant's MASALO and device mark in 2014. Given the findings in Section 6.2A above, no unregistered rights in a MASALO mark existed prior to the registration of the disputed domain name. The Panel recalls that where a respondent registers a domain name before a complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. See [WIPO Overview 3.1](#), section 3.8.1.

The Panel sees no exceptional circumstances in this case that might establish that the Respondent's intent in registering the disputed domain name was to unfairly capitalize on nascent rights in the Complainant's MASALO marks. See [WIPO Overview 3.1](#), section 3.8.2. The Complainant's earliest trademark application was not filed until 2014. There is no evidence on the record of use of the MASALO and device marks or of the MASALO wordmark. In this context, the distinctiveness of the marks, their identity with the disputed domain name, and the price offered for the disputed domain name in 2020, cannot show an awareness of any nascent MASALO mark in 2010.

Nor does the Respondent's use of the disputed domain name for email in the meantime indicate targeting of the Complainant. The Respondent has at least two usernames, one of which is his personal name and the other of which is "services". The Complainant acknowledges that it does not use the same or a similar username. While it alleges actual customer confusion, it provides no evidence to substantiate that allegation. The Complainant does not describe its business or show that the generic username "services" could imply an awareness of the nature of that business. There is no allegation that the Respondent ever used his email to impersonate the Complainant or to send misleading messages.

The Respondent argues that he chose to register "masalo" in the disputed domain name solely for "personal convenience". While the Panel does not find this explanation compelling, the circumstances at the time of registration of the disputed domain name in 2010 do not indicate any awareness of the Complainant's eventual rights in the MASALO mark.

In sum, the evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

Therefore, the Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: March 31, 2026