ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

TER Hell & Co. GmbH, TER Chemicals GmbH & Co. KG v. APINAME Ltd. / Yahya-Samad Farid Mojtahedi, TER Chemical (Pty) Ltd, TER Kimya Sanayi ve Dis Ticaret Limited Sirketi, and TER Chemie Limited
Case No. D2026-0494

1. The Parties

The Complainants are TER Hell & Co. GmbH, TER Chemicals GmbH & Co. KG, Germany, represented by Fruytier Lawyers in Business B.V., Netherlands (Kingdom of the).

The Respondents are APINAME Ltd., United Kingdom; Yahya-Samad Farid Mojtahedi, The Netherlands (Kingdom of); TER Chemical (Pty) Ltd, South Africa; TER Kimya Sanayi ve Dis Ticaret Limited Sirketi, Türkiye, and TER Chemie Limited (Hong Kong SAR, China).

2. The Domain Name and Registrar

The disputed domain name <terchemie.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 5, 2026. On February 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 7, 2026, the Registrar transmitted by email to the Center its verification response confirming the Respondent as listed as the original registrant in the Complaint ("APINAME Ltd.") and providing the contact details.

The Center verified that the 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 11, 2026. In accordance with the Rules, paragraph 5, the original due date for Response was March 3, 2026.

The Center received email communications from different senders on February 11, 13, 16, 17, 18, 19, 23, 24, March 3, and 27, 2026, claiming an association with the disputed domain name and/or its registrant and furnishing copies of personal and corporate identification documents. The Complainant objected to these claims and to the Center sharing the file with the claimed underlying registrant and granting an extension of time to file a Response.

On March 4, 2026, the Center informed the Parties of the extension of the Response due date until March 28, 2026. The Response was filed with the Center on March 28, 2026. On April 13, 2026, the Center received an unsolicited supplemental filing from the Respondent. The Complainant emailed "observations" in reply on April 24, 2026, and requested an opportunity to respond to the Respondent's request for a finding of Reverse Domain Name Hijacking.

The Center appointed W. Scott Blackmer, Alfred Meijboom, and Matthew S. Harris as the Administrative Panel in this matter on May 7, 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 Complainants are affiliates in the TER Group, which operates a website at "www.tergroup.com". TER Hell & Co. GmbH ("TER Hell") and TER Chemicals GmbH & Co. KG ("TER Chemicals") ("www.terchemicals.com") are both registered in Hamburg, Germany. TER Hell owns the relevant TER trademark, which is licensed to TER Chemicals to use in its business of manufacturing and distributing specialty chemicals and providing related services such as logistics and warehousing. The Panel refers hereafter to the Complainants collectively as the "Complainant" unless otherwise indicated.

The TER word mark is registered as International Trademark Number 748709 (registered on December 1, 2000) in international classes 1, 2, 4, and 17, with multiple designations including the European Union, United Kingdom, Türkiye, China, and Russian Federation.

The disputed domain name was created on March 8, 2022, and is registered to the Respondent APINAME LTD ("Apiname"), listing a postal address in London, United Kingdom. The Panel notes that Apiname is an ICANN-accredited domain name registrar affiliated with the Registrar, as indicated in the Response and on the Apiname website at "www.apiname.uk". Apiname did not submit a Response or identify the underlying registrant, but a Response was filed on behalf of Yahya-Samad Farid Mojtahedi, the "Ultimate Beneficial Owner" of TER Chemical (Pty) Ltd, a company registered in South Africa, TER Kimya Sanayi ve Dis Ticaret Limited Sirketi, a company registered in Türkiye, and TER Chemie Limited, a company registered in the Hong Kong SAR (Special Autonomous Region) of China, collectively referred to as the "TER Chemie companies". As Apiname remains the registrant of record but Mr. Mojtahedi and the TER Chemie companies claim an interest and responsibility for the disputed domain name as beneficial owners, as well as operators of the associated website, the Panel refers hereafter to all of these persons collectively as the "Respondent" unless otherwise indicated.

At the time of this Decision, the disputed domain name does not resolve to an active website. The Respondent indicates that the Complainant succeeded in having the website and email host associated with the disputed domain name disabled. Formerly, since early 2022, the disputed domain name resolved to the Respondent's website describing the products and services of the TER Chemie companies, with linked social media accounts on Facebook, LinkedIn, and X. (The Panel notes that the Internet Archive's Wayback Machine has archived screenshots of this website from 2023-2025.[1])

[1] Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

The Respondent describes its business as providing “hazardous and unstable industrial chemical products to large, often (semi-)state-owned enterprises in Africa, the Middle East, and Central Asia. These products require specialized equipment and supply chains for delivery to remote locations with poor infrastructure and challenging geopolitical conditions. We provide that service in addition to the products themselves.”

Further, the Respondent states that it is one of three companies in the world that provide “restoration services” to petrochemical companies whose products have been contaminated, using proprietary, high-pressure filtration systems and other devices that are airlifted to incident sites. The Respondent’s customers are mining companies and ore processors, oil and gas field operators, midstream pipeline and bulk crude transporters, refineries, natural gas processing plants, and petrochemical plants. The Respondent states that it does not rely on online advertising but reaches its customers through “formal tender procedures, vendor pre-qualification, and extensive institutional relationships”. Consequently, the Respondent acknowledges that it never acquired a customer through the website and did not keep the website up to date with current office and contact information. However, the Respondent relied on the disputed domain name for its email system used for both internal communications and for communications with clients and vendors.

Counsel for the Complainant sent a cease-and-desist letter to one of the Respondent’s former postal addresses on October 15, 2025, as well as through the contact form on the Respondent’s website. The Respondent denies receiving this communication at the time. In December 2025, the Complainant contacted Neostrada (Your Hosting B.V.), the Dutch web hosting service that was hosting the Respondent’s website, asserting that the Respondent’s website was infringing the Complainant’s TER trademark. Neostrada notified the Respondent’s Dutch client that had originally arranged for hosting the Respondent’s website, and the client in turn notified the Respondent of this claim. The Respondent began to arrange for migrating the hosting to another service, and the Respondent transferred the registration of the disputed domain name in January to the current Registrar. On January 7, 2026, the Respondent sent an email to the Complainant’s counsel advising him of these developments. (The Complainant’s counsel later acknowledged that this email came to the Complainant’s server but states that it went unread into his spam folder.) On January 9, 2026, the Respondent initiated the transfer of the disputed domain name to the current Registrar.

The Complainant brought a legal action for trademark infringement against Neostrada in the District Court in The Hague (Case No. C/09/696323 / KG ZA 25-1249), and the District Court granted a preliminary injunction ordering Neostrada to provide the details of the disputed domain name owner and to remove web pages displaying the TER mark. The Respondent was not present, and the Complainant represented to the court that the Respondent’s legal existence had not been verified and that the Respondent had not been responsive to communications. The Complainant then transmitted the court’s order to the current Registrar and web hosting service provider, which disabled the Respondent’s website and email host. The Respondent reports that it is pursuing mandatory pre-litigation mediation in the Turkish commercial court with the current Registrar and web hosting service provider.

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 the disputed domain name is confusingly similar to its registered TER trademark. (The Complainant also objects to similarity to the Complainant’s TER trade name, but this is not relevant for Policy purposes, as the Policy, paragraph 4(a)(1), expressly requires complaints to be based on a “trademark or service mark”.)

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, because it has no permission to use the Complainant’s mark and because the Complainant could not verify the existence of a genuine “TER Chemie entity offering chemical goods or related services”. In any

event, the Complainant argues that this could not be a bona fide commercial offering, because the Respondent would be trading on the Complainant's established reputation in the chemical sector. The Complainant contends that the Respondent has failed to respond to attempts to contact it and has attempted to conceal its identity, demonstrating its illegitimacy, and also supporting an inference of bad faith in the registration and use of the disputed domain name.

The Complainant argues for a finding of bad faith under the Policy, paragraph 4(b)(iv) (intentionally creating confusion with the Complainant's mark for commercial gain) and offers in support the Respondent's incorrect contact details on its website and the Complainant's inability to contact the Respondent using the Dutch contact details provided on the Respondent's website. The Complainant also cites the finding of trademark infringement by the District Court of The Hague, ordering the Dutch hosting provider at the time to remove or block the Respondent's website pages including the TER word mark. The Complainant argues that the Respondent's conduct in transferring the disputed domain name and website to a new registrar and web hosting service outside the Netherlands further reflect the Respondent's bad faith in a (failed) effort to continue exploiting the Complainant's mark.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent denies confusing similarity with the three-letter mark TER. The Respondent acknowledges that TER Hell holds the registered TER trademark but observes that "ter" is a common prefix in chemistry (from the Latin for "three times") as well as a common Dutch/German prefix and surname element. Hence, the WIPO Global Brand Database lists more than 1,600 trademark registrations including the word element "ter", 78 of them for goods in international class 1 (chemicals). This argues against the likelihood of confusion with the Complainant's mark, and the Respondent observes that there is no evidence of actual customer confusion.

The Respondent claims a legitimate interest in using the disputed domain name corresponding to its company names, by which it has been commonly known and under which it has been promoting its business online since 2022. The South African entity was incorporated on March 1, 2022 (one week before the Respondent registered the disputed domain name), and the Turkish entity on June 22, 2022. Copies of the company and tax registrations for those entities are attached to the Response, as well as copies of invoices, purchase orders, and commercial correspondence, and screenshots of the Respondent's website before it was taken offline on the Complainant's demand.

Similarly, the Respondent denies bad faith in registering and using the disputed domain name for its business and denies targeting the Complainant's TER mark, contending that the Complainant is not a competitor and that the Respondent had no prior knowledge of the Complainant's mark. The Respondent insists that it had no reason to be aware of the Complainant in 2022 and chose its business names and corresponding disputed domain name for the reference to the Latin term for "three" or "tertiary" and to chemistry. The Respondent states that its Zimbabwean sales manager and its South African accountant selected the name first for the South African TER Chemie company in January and March 2022, respectively, because there were three partners, this was their third major project, and the first major contract was for tert-dodecyl mercaptan. The company's figurative logo represents three double chemical bonds, as found in several of the chemicals traded by the company. "Chemie" is the Dutch and Afrikaans word for "chemistry", and equivalent nomenclature was then used for the names of the Turkish and Hong Kong companies when they were subsequently formed.

Moreover, the Respondent points out that in March 2022, when the Respondent registered the disputed domain name, the Complainants were doing business as "Ter Hell Plastics GmbH", and TER Chemicals was not yet registered as a company. The Respondent observes that a review of the Parties' respective websites shows that their product lines, services, geographic markets, and clientele do not overlap. Both offer specialty products and related services, but the Respondent's are narrowly targeted to industrial clients in the oil and gas and mining industries handling certain hazardous chemicals in large volumes and chiefly in Africa, the Middle East, and Central Asia. By contrast, the Complainant produces and distributes plastics,

rubber products, coatings and paints, adhesives, food products, automotive and metal products, pharmaceutical and cosmetic products, selling these to manufacturers largely in the European Union.

Further, the Respondent denies that it obscured its contact details and failed to respond to communications, noting that its Dutch location is a shared work space with more than 230 registered entities that the Respondent uses only for logistics and that the Complainant never attempted to contact the Respondent through its main Turkish and South African offices correctly listed on the Respondent's website. The Respondent argues that the Complainant obtained the Dutch court judgment through an ex parte proceeding with "misinformation" about the Respondent's unverified existence and failure to communicate. The Respondent points out that it has no Dutch legal entity and that the Complainant's counsel subsequently acknowledged that he had not read the Respondent's email received prior to the court hearing. The Respondent argues that the Dutch court's preliminary judgement on trademark infringement, resulting from a proceeding in which the Respondent did not participate, should not be dispositive in this UDRP proceeding.

The Respondent requests a finding of Reverse Domain Name Hijacking ("RDNH") against the Complainant. The Respondent asserts that the Complainant must have been aware that the Respondent was already conducting business through the Respondent's website associated with the disputed domain name, and the Complainant interfered with that business by making misrepresentations to the old and new hosting providers and to the Dutch court, telling each of them that the Respondent was a direct competitor and active in the Dutch market (which it is not) and infringing on its trademark there, in order to deprive the Respondent of its website and email communications. This has damaged the Respondent's business and created safety issues in the transport and storage of hazardous chemicals. The Respondent further charges the Complainant with making false representations to the Dutch court and this Panel concerning the Respondent's alleged bad faith by asserting that the Respondent was unresponsive and could not be identified as a legitimate business entity, even when the Complainant had evidence to the contrary.

6. Discussion and Findings

6.a Preliminary Matters

Multiple Parties

As described above, the two Complainants are related parties that have interests in the relevant trademark allegedly impacted by the disputed domain name. As such, the Panel finds it appropriate to include both in this proceeding.

The Panel exercises its discretion to record as Respondents both an entity related to the Registrar (as stated in the Response and as indicated on its website), which has not entered an appearance in this proceeding, and the parties that submitted a Response: the self-disclosed underlying registrant Mr. Mojtahed, and the TER companies whose business was promoted on the website associated with the disputed domain name, companies of which he declares himself the ultimate beneficial owner. See WIPO Overview 3.1, sections 4.4 and 4.4.5. These claims are supported by company and tax registrations as well as by the Respondent's website.

Supplemental Filings

The Rules provide for a Complaint and Response and do not contemplate repeated amendments and supplemental filings. Paragraph 10 of the Rules gives the Panel "the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition". Paragraph 12 provides that it is in the Panel's sole discretion to request further statements or documents from the parties. Unsolicited filings are generally discouraged and tend to be permitted exceptionally where additional supporting evidence is required, a relevant claim has not been addressed, or fairness calls for an opportunity to respond to the opposing party. WIPO Overview 3.1, sections 4.6 and 4.7.

Here, the Respondent's supplemental filing attaches additional documents it obtained concerning the judicial proceedings in the Netherlands and the Complainant's dealings with the current Registrar web hosting service, supporting the Respondent's request for a finding of RDNH. The purpose is to demonstrate that the Complainant misled the Respondent's new registrar and web hosting service concerning the Duch court ruling in order to take down the Respondent's website and email service, and to show that to some extent the Respondent's delays and difficulties with communications were a consequence of the Complainant's own actions in taking down the Respondent's email hosting service.

The Complainant, in turn, objected to this supplemental filing, summarized factual "misconceptions" in the Respondent's filing, and asked for an opportunity to respond to the Respondent's request for RDNH. The Complainant chiefly summarized the history of its use of the TER name and its attempts to contact the Respondent, arguing that the early failures in receipt of its communications cannot be attributed to any "fault or omission on the part of Complainant".

For reasons that will become evident below, the Parties' additional factual submissions and arguments in the supplemental filings are not material to the Decision and, therefore, will not be taken into consideration.

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 3.1, section 1.7.

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

The entirety of the mark is reproduced 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.

Although the addition of other terms (here, "chemie") may bear on assessment of the second and third elements, the Panel finds the addition of such a term 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

The Panel finds that, before notice to the Respondent of the dispute in 2025, the Respondent used the disputed domain name in connection with a bona fide offering of goods or services. WIPO Overview 3.1, section 2.2. The record shows that the Respondent operated a website and email server for its business using the disputed domain name from 2022 until the Complainant caused these to be taken down at the end of 2025. The Response attaches not only website screenshots but examples of government records, invoices, order forms, emails and other business correspondence demonstrating a multinational business operating since 2022, advertised with a website using the disputed domain name and using an email host associated with the disputed domain name.

The Panel also finds that the Respondent has been commonly known by the disputed domain name or names correspondent to the disputed domain name since 2022. WIPO Overview 3.1, section 2.3. The Response attaches evidence of companies formed with names including "TER" and "Chemie", "Chemical", or "Kimya" (derived from Turkish for "chemical") and tax records, invoices, order forms, business correspondence, and other evidence of actual business conducted under those names in several countries, as well as screenshots of the Respondent's website.

Accordingly, the Panel finds the second element of the Policy has not been established on the available record. This finding would be undermined, of course, if the Complainant prevailed on its theory that the Respondent chose the disputed domain name, and by implication is business names, in substantial part to exploit the Complainant's reputation and therefore not in connection with a "bona fide" offering of goods or services for Policy purposes. That possibility is better addressed in the following section on bad faith.

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 Complainant presumes that the Respondent was aware of the Complainant and its preexisting trademark when the Respondent registered the disputed domain name, because they are both active in the chemical industry and the Respondent undeniably had some connections in Europe and the Netherlands. The Respondent Mojtahed had formerly worked in the Netherlands for a previous employer, the TER Chemie companies maintained a logistics office in The Hague (which was listed on the Respondent's website, albeit with outdated contact information), and a Dutch client arranged for the Respondent's web hosting with a Dutch hosting service. Thus, the Complainant charges the Respondent with intentionally creating a confusingly similar domain name to attract Internet users to the Respondent's website for commercial gain, an example of bad faith under the Policy, paragraph 4(b)(iv), and further infers bad faith from the Respondent's inaccurate or incomplete website contact details and its failure to reply to the initial cease-and-desist communication, as well as it subsequent attempted cyberflight to avoid the consequences of the Dutch trademark infringement action.

The Respondent denies prior awareness of the Complainant's mark, however, and on the evidence presented the Panel finds this credible. The Parties both deal in chemicals, but their products, services, geographic markets, clients, and marketing channels are significantly different, so it is plausible that the Respondent would not be aware of the Complainant or intend to exploit its mark. The mark was registered only a little over a year before the registration of the disputed domain name, and the Complainant was not using a corresponding term for its company name at that time (although there is some evidence that the mark itself was in use before then). In any event, the mark is not highly distinctive. "Ter" is a Latin term plausibly said to be chosen by the Respondent to refer to "three". The string also means "at the" plus a location in Dutch and is commonly found in Dutch and some German family names, evidently including the name of the Complainant's founder, Hermann ter Hell. As a result, "ter" features in business and product names and is not uniquely associated with the Complainant.

The Complainant has the burden of proof to establish bad faith, and the Panel finds that it has not provided evidence sufficient to meet this burden. The Panel also is not inclined to give weight to the finding of trademark infringement by the Dutch court in preliminary relief proceeding under national trademark law, considering that this does not answer the precise question under the Policy and importantly is not the result of a hearing in which the Respondent participated.

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.

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

Givern this assessment of the relevant facts, the Panel also confirms its finding that the second element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. WIPO Overview 3.1, section 4.16.

Although the Complainant has not ultimately prevailed in this case, the Panel does not find that the Complaint was brought in bad faith. It appears that the Respondent did not rely on its website as a primary source of customer-facing information and communication and admittedly did not keep contact information updated, raising understandable suspicions and difficulties for the Complainant. As for the Parties' respective actions relating to the Dutch and Turkish litigation and the web and email hosting, these are beyond the scope of the Panel's authority in the current proceeding and must be left to other fora for resolution.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/
W. Scott Blackmer
Presiding Panelist

/Alfred Meijboom/
Alfred Meijboom
Panelist

/Matthew S. Harris/
Matthew S. Harris
Panelist
Date: May 21, 2026