ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
DEUTZ AG v. prham raoghnian
Case No. D2026-0511

1. The Parties

The Complainant is DEUTZ AG, Germany, represented by Bettinger Scheffelt Partnerschaft mbB, Germany.

The Respondent is prham raoghnian, Denmark.

2. The Domain Name and Registrar

The disputed domain name <niandeutz.com> is registered with CSL Computer Service Langenbach GmbH dba Joker.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 6, 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 9, 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 (Registrant contacts Privacy Protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 11, 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 18, 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 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 16, 2026. On March 18, 2026, the Center received an email communication from a third-party claiming to have received the Written Notice but they did not know the person/company identified on the envelop of the Written Notice.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on March 19, 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, established in 1864, is an engine manufacturer headquartered in Cologne, Germany. The Complainant designs, manufactures, and distributes diesel, gas, and electrified engines, as well as engine components and spare parts for a wide range of applications, including construction equipment, agricultural machinery, automotive uses, and stationary installations. It operates globally under the brand DEUTZ.

The Complainant owns multiple trademark registrations for its DEUTZ brand, including:

- German Trademark Registration No. 616392, DEUTZ (word), registered on February 6, 1952;
- International Trademark Registration No. 174094, DEUTZ (word), registered on January 21, 1954;
- International Trademark Registration No. 158321, DEUTZ (word), registered on December 17, 1951;
- International Trademark Registration No. 452600, DEUTZ (word), registered on May 6, 1980;
- International Trademark Registration No. 739507, DEUTZ (figurative), registered on March 30, 2000, with the following graphic representation: 

(collectively referred to hereinafter as the “DEUTZ mark” or the “DEUTZ logo” respectively).

The Complainant further owns various domain names corresponding to its trademark, including <deutz.com>, registered on April 18, 1996, which resolves to its official corporate website, and <sdeutz.com>, registered on January 13, 2021, which resolves to its service portal. [1]

The disputed domain name was registered on December 15, 2025, and resolves to a Persian-language website prominently displaying the DEUTZ Logo both in its header and throughout its content, reproducing the same graphic representation and color scheme as those registered and used by the Complainant. The website further incorporates the DEUTZ mark within its content and appears to be intended for use as an online shop offering spare parts for DEUTZ products, as well as for products associated with third-party trademarks in the engine and machinery sector (such as Kolbenschmidt, Goetze, and Bosch). Several sections of the website, including its e-commerce functionality, appear to be incomplete and contain placeholder text (e.g., “Lorem Ipsum”). The website displays images of various mechanical parts and engine components and includes interactive buttons labeled “Telephone Call”, “Message on Telegram”, and “Message on WhatsApp” for price inquiries; however, at the time of drafting this decision, these functions appear to be still non-operational. Furthermore, the website does not provide any information regarding its ownership or the identity of the registrant of the disputed domain name, nor does it include any disclaimer or indication of the absence of affiliation with the Complainant or the DEUTZ mark.

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 wholly incorporates the DEUTZ mark, which remains clearly recognizable and constitutes the dominant and distinctive element of the disputed

[1] Other domain names owned by the Complainant, cited in the Complaint, include <deutz.eu>, <deutzusa.com>, <deutz.cn>, <deutz.com.cn>, <deutzde.cn>, <deutzparts.cn>, and <deutz.com.sg>.

domain name. The addition of the term "nian" does not prevent a finding of confusing similarity; on the contrary, it may reinforce the misleading impression that the disputed domain name is affiliated with, authorized by, or otherwise connected to the Complainant. The applicable generic Top-Level Domain ("gTLD") is disregarded for the purposes of the confusing similarity assessment.

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized, licensed, or otherwise permitted to use the DEUTZ mark, and there is no relationship between the Parties. There is no evidence that the Respondent has been commonly known by the disputed domain name or by the terms "deutz" or "nian deutz". The term "nian" does not have any descriptive meaning in Persian in relation to engines or spare parts and appears to be arbitrary or coined. Moreover, the Respondent is not making a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the disputed domain name conveys a false suggestion of an official relationship, amounting to "implied affiliation", and the Respondent's website does not satisfy the criteria commonly referred to as the "Oki Data test" (in reference to *Oki Data Americas, Inc. v. ASD, Inc.,* WIPO Case No. D2001-0903). In particular, the Respondent's website prominently uses the DEUTZ mark and logo, fails to clearly and prominently disclose the absence of any relationship with the Complainant, and misleadingly suggests that it is an official DEUTZ-related shop or authorized branch. Additionally, the Respondent's website purports to offer products from third-party manufacturers alongside DEUTZ-related goods, is incomplete in several respects, lacks transparent and verifiable contact information, and does not provide any functional pricing or purchasing mechanism.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Given the distinctiveness and reputation of the DEUTZ mark, it is implausible that the Respondent was unaware of the Complainant and its trademark rights at the time of registration. The Respondent deliberately selected a domain name incorporating the DEUTZ mark in its entirety, combined with an arbitrary term, in order to create a false impression of affiliation, authorization, or an official branch of the Complainant, thereby targeting the DEUTZ mark in opportunistic bad faith. The use of the disputed domain name in connection with a website that prominently displays the Complainant's trademark and logo, while suggesting a false official or authorized source and omitting any disclaimer as to the absence of affiliation, further evidences bad faith. Moreover, the Respondent's website fails to provide verifiable company identification or reliable contact details. The disputed domain name is therefore being used to intentionally attract Internet users, for commercial gain, by exploiting confusion with the DEUTZ mark.

B. Respondent

Apart from an email communication from a third-party as mentioned above, the Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Complainant has submitted all relevant assertions under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as provided, inter alia, in paragraph 10 of the Rules.

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, namely the DEUTZ mark. WIPO Overview 3.1, section 1.2.1.

The disputed domain name reproduces the DEUTZ mark in its entirety, preceded by the term "nian". The addition of this term does not prevent a finding of confusing similarity. The Panel finds that the DEUTZ mark remains clearly recognizable within the disputed domain name. Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the DEUTZ mark within the meaning of paragraph 4(a)(i) of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, the term "nian", may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

Accordingly, 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 Panel notes that the Respondent's name, as disclosed by the Registrar in the course of the verification process, does not bear any resemblance to the terms included in the disputed domain name ("nian deutz" or "niandeutz"), nor to the term "deutz".

The Panel has further verified, through a search of the Global Brand Database, that the Respondent does not hold any trademark rights in terms corresponding to "nian deutz", "niandeutz", or "deutz".[2]

The Panel also observes that the term "deutz" has no dictionary meaning. It may refer to a German surname "Deutz" and may also be used as a place name, i.e., a district in Cologne.

Furthermore, the Panel notes that the disputed domain name resolves to a Persian-language website, apparently an under-construction online shop, which prominently displays the DEUTZ mark and the DEUTZ logo, reproducing the same graphic representation as that used by the Complainant on its official website and in connection with its products. This unfinished website includes images and descriptions of purported

[2]Noting in particular the general powers of a panel articulated, inter alia, in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview 3.1, section 4.8.

DEUTZ products, as well as references to products of other origins, while failing to provide any information regarding the ownership of the website at the disputed domain name, and without any information or disclaimer as to the absence of affiliation with the Complainant.

The Panel finds that such use amounts to an attempt to impersonate the Complainant, trying to pass off the website as one operated by the Complainant or by one of its authorized distributors or retailers. Such conduct cannot confer rights or legitimate interests under the Policy, as it constitutes an illegitimate and potentially unlawful activity. Panels have consistently held that the use of a domain name for deceptive or fraudulent purposes, including attempted passing off, can never give rise to rights or legitimate interests. WIPO Overview 3.1, section 2.13.1.

The Panel further finds that such use does not qualify as nominative fair use under the Policy, including reseller or distributor use under the conditions set out in the Oki Data test (see *Oki Data Americas, Inc. v. ASD, Inc., supra*), as those criteria are not met. In particular: (i) the Respondent is not making a bona fide offering of the goods or services at issue, but falsely passing off a website affiliated to the Complainant; (ii) the website refers not only to DEUTZ products but also to products of competing third-party trademarks in the same sector; (iii) the website fails to accurately and prominently disclose the absence of any relationship with the Complainant; and (iv) the Respondent's conduct may disrupt the Complainant's business and possibly interfere with the Complainant's ability to reflect its trademark in a corresponding domain name. WIPO Overview 3.1, section 2.8.

Accordingly, there is no evidence on the record 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, or for any legitimate noncommercial or fair use. None of the circumstances set out in paragraph 4(c) of the Policy, nor any other circumstances giving rise to rights or legitimate interests, are present in this case.

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Consequently, the Panel concludes that the second element of paragraph 4(a) 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.

In the present case, the Panel notes that the DEUTZ mark is distinctive in terms of engine manufacturing and enjoys an established international reputation. Prior decisions under the Policy have expressly recognized the international reputation of the DEUTZ mark. See, inter alia, *Deutz AG v. Tang Rong Liang,* WIPO Case No. D2016-0241; *DEUTZ AG v. 王高琼 (wanggaoqiong),* WIPO Case No. D2024-2328; *Deutz AG v. haoxiao zhang,* WIPO Case No. D2021-2298; *Deutz AG v. 张振锋 (Zhang Zhen Feng)*; *广州道依茨发电机有限公司 (guang zhou dao yi ci fa dian ji you xian gong si)*, WIPO Case No. D2021-1914; and *DEUTZ AG v. James Pollard*, WIPO Case No. D2020-1880.

The Panel further notes the Complainant's extensive online presence. A simple Internet search for the term "deutz" yields results prominently associated with the Complainant and its trademark, reinforcing the conclusion that the Respondent was, or ought to have been, aware of the Complainant's rights at the time of registration.

The use of the disputed domain name further confirms that it specifically targets the Complainant and its trademark. The Respondent's under-construction website prominently displays the DEUTZ mark and the DEUTZ Logo, reproducing the same graphic representation and color scheme as those respectively registered and used by the Complainant. The website also refers to purported DEUTZ spare parts, and its overall presentation falsely suggests an affiliation with, or authorization by, the Complainant, in an attempt of passing itself off as one of the Complainant's official websites or as a website operated by an authorized

distributor or retailer. Such conduct constitutes illegitimate activity and is indicative of bad faith under the Policy. WIPO Overview 3.1, section 3.4.

Panels have consistently held that attempts to pass off a website as an official site of a trademark owner—such as by displaying the relevant mark or logo—constitute strong evidence of bad faith and are likely to disrupt the complainant's business. See, inter alia, *Decathlon v. Manlidy,* WIPO Case No. D2024-3550; and *Accenture Global Services Limited v. Hermila Layne,* WIPO Case No. D2025-3386.

Accordingly, having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The composition of the disputed domain name, which wholly incorporates the distinctive and reputed DEUTZ mark, together with the content and presentation of the Respondent's website, designed and calculated to confuse Internet users, clearly demonstrates an intention to confuse Internet users by creating the false impression of an authorized source for the Complainant's goods.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website, and passing off as or impersonating the Complainant (or one of its official distributors or retailers). This conduct falls squarely within the circumstances of bad faith set out in paragraph 4(b)(iv) of the Policy.

Finally, the Respondent's failure to submit a response, and thus to rebut the Complainant's prima facie case or to provide any evidence to rebut the Complainant's allegations of bad faith, and the Respondent appears to have used a third-party's physical address to register the disputed domain name, further supports a finding of bad faith.

Accordingly, the Panel concludes that the Complainant has established the third element of paragraph 4(a) 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 <niandeutz.com> be transferred to the Complainant.

/Reyes Campello Estebaranz/
Reyes Campello Estebaranz
Sole Panelist
Date: March 26, 2026