

ADMINISTRATIVE PANEL DECISION

Allinox BV v. Ortega David
Case No. D2026-0543

1. The Parties

The Complainant is Allinox BV, Belgium, represented by IP Porta Advocaten, Belgium.

The Respondent is Ortega David, United States of America.

2. The Domain Name and Registrar

The disputed domain name <bekabatteriecuisine.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2026. On February 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 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 amendment to the Complaint on February 17, 2026.

The Center verified that the Complaint together with the amendment to 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 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 19, 2026.

The Center appointed Federica Togo as the sole panelist in this matter on March 26, 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

It results from the Complainant's undisputed allegations that it is a manufacturer of kitchenware and sells its products under the brand BEKA.

The Complainant is the registered owner of trademarks for BEKA, e.g. Benelux trademark registration no. 750950, registered on March 3, 2004 for goods in class 8, 11 and 21; European Union trademark registration no. 018976413, registered on May 4, 2024 for goods in classes 8 and 21.

In addition, it uses the domain name <beka-cookware.com> for operating its official website.

The disputed domain name <bekabatterieculisine.com> was registered on August 16, 2025. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolves to a website displaying without authorization and prominently the Complainant's mark and logo and purportedly offering products under the Complainant's trademark.

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 <bekabatterieculisine.com> is confusingly similar to the Complainant's trademark since it incorporates the entirety of the name of Complainant's trademark BEKA. The addition of other descriptive terms cannot prevent a finding of confusing similarity: "Batterieculisine" is in fact the translation of "cookingware" and therefore descriptive for the goods for which the trademark is used.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, it did not authorize the Respondent to use its trademarks, which are included in the disputed domain name. The Respondent is not an authorized distributor of BEKA products and has no affiliation with the Complainant, despite creating the misleading impression that such a relationship exists. The Respondent operates a website that incorporates the Complainant's trademark in its domain name and purports to offer BEKA-branded products. The Complainant's has received multiple complaints from customers regarding orders that were placed but were never delivered. These customers believed they placed their order with the Complainant. These orders were, however, made through the Respondent's website and the products were not supplied.

Furthermore, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent intentionally uses the Complainant's trademark in its domain name to attract for commercial gain. It presents itself as an official website of the Complainant, despite having no affiliation whatsoever with the Complainant. As a result, potential customers are wrongfully diverted away from the Complainant's official website.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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. [WIPO Overview 3.1](#), section 1.2.1. It is true that said trademark is a figurative trademark, containing a design element. However, it is acknowledged by prior UDRP panels that such figurative marks would satisfy the requirement that a complainant shows “rights in a mark” as panels would tend to focus on the non-design element for purposes of assessing confusing similarity. [WIPO Overview 3.1](#), section 1.10.

The above test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. In the case at hand, the entirety of the mark’s textual component BEKA is reproduced within the disputed domain name.

The Panel finds the mark is 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.

Although the addition of other terms (here, “batterie” and “cuisine”) 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 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 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.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and, in particular, did not authorize the Respondent's use of the trademarks BEKA by registering the disputed domain name comprising the said trademark entirely, followed by the descriptive terms "batterie" and "cuisine" (corresponding to the English translation "kitchen artillery" or "cookware"). Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, it results from the Complainant's non-contested evidence that the disputed domain name resolves to a website prominently using the Complainant's marks and logo on which the Complainant's goods are allegedly sold at heavily discounted prices and which did not accurately and prominently disclose the lack of the Respondent's relationship with the Complainant. Since this use is clearly commercial, it cannot be considered a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to paragraph 4(c)(iii) of the Policy. Furthermore, such use cannot be qualified a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy and the *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) as it is misleading and diverting consumers, making them erroneously believe that the Respondent is an authorized dealer, retailer, or re-seller of Complainant's products, and is authorized to promote sales of Complainant's products. This is reinforced by the following facts: (1) the Respondent did not add any note, information or disclaimer pointing out that it actually has no relationship with the Complainant and (2) the website is accessible under a disputed domain name that comprises the Complainant's trademarks BEKA entirely which does not satisfy the requirements under the Oki Data test. See also [WIPO Overview 3.1](#), section 2.8.1: "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 addition, the Complainant stated that it has received multiple complaints from customers regarding orders that were placed but were never delivered. These customers believed they placed their order with the Complainant. Unfortunately, the Complainant failed to provide related evidence.

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolves to a website, allegedly selling the Complainant's products at discounted prices and reproducing prominently and without authorization the Complainant's trademark and logo. For the Panel, it is therefore evident that the Respondent knew the Complainant's mark and has used the disputed domain name for commercial gain which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

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. In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the Panel's findings that the Respondent has registered and is using the disputed domain name in bad faith:

(i) the nature of the disputed domain name (wholly incorporating the Complainant's mark followed by descriptive terms in the Complainant's core business);

(ii) the content of the website to which the disputed domain name resolves (i.e. displaying without authorization the Complainant's registered trademark and logo);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name;

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 disputed domain name <bekabatteriecuisine.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: April 9, 2026