

ADMINISTRATIVE PANEL DECISION

KW Vermögensverwaltung GmbH v. Xavier Saham
Case No. D2026-0580

1. The Parties

The Complainant is KW Vermögensverwaltung GmbH, Germany, represented by Bird & Bird LLP, Germany.

The Respondent is Xavier Saham, United States of America.

2. The Domain Name and Registrar

The disputed domain name <kethewohlfahrt.com> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 11, 2026. On February 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 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 (Registration Private / Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 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 24, 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 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 18, 2026.

The Center appointed Stefan Bojovic as the sole panelist in this matter on March 24, 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 German company founded in 1964 that specializes in decorative items related to Christmas and other seasonal events. The Complainant's products are offered online, in retail stores, as well as on Christmas markets in Germany and Europe.

The Complainant is the owner of the KÄTHE WOHLFAHRT trademark which is protected by trademark registrations in various jurisdictions, including the following:

- International Trademark Registration No. 1664469 for KÄTHE WOHLFAHRT, registered on January 21, 2022; and
- International Trademark Registration No. 556594 for KÄTHE WOHLFAHRT, registered on August 10, 1990.

The Complainant operates its official website at the domain name <kaethe-wohlfahrt.com>.

The disputed domain name was registered on October 8, 2025 and it resolves to a website purportedly offering the Complainant's products at discounted prices and which uses prominently the Complainant's KÄTHE WOHLFAHRT trademark and official product photos and descriptions.

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 KÄTHE WOHLFAHRT trademark, and that the content of the website to which the disputed domain name resolves to further reinforces the confusing similarity between the Complainant's trademark and the disputed domain name.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that it has not agreed to the Respondent's registration of the disputed domain name and has not given the Respondent any respective license or any other right to use or register the trademark as a domain name. Besides, there are no economical connections between the Parties that might authorize the Respondent to register the disputed domain name. The Respondent does not have any registered trademarks or trade names corresponding to the disputed domain name. The disputed domain name is linked to a website offering various products using the pictures of the Complainant's products. The website copies various elements from the Complainant's own website including the Complainant's trademarks. The Complainant further contends that the website to which the disputed domain name resolves, gives the impression that it serves fraudulent purposes as the offered products that are taken inter alia from the Complainant's shops will most likely not be provided to their buyers. Furthermore, the website only accepts payments via credit card or PayPal which indicates that its further purpose is phishing for credit card information and PayPal account data. The Respondent is therefore not using the disputed domain name in connection with a bona fide offering of goods or services.

With reference to the circumstances evidencing bad faith, the Complainant indicates that its trademarks have already been registered for several years by the time of the registration of the disputed domain name. A simple Internet search for “KÄTHER WOHLFAHRT” would have led the Respondent right to the websites of the Complainant that would have informed the Respondent about the Complainant’s trade name and trademarks rights. Furthermore, the use of the disputed domain name for a website copying various elements from the Complainant’s own website and potentially phishing financial information from the website visitors indicates the use in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “A Panel shall 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 stipulates that the complainant must prove each of the following:

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

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.

The Second-Level Domain of the disputed domain name is nearly identical to the KÄTHER WOHLFAHRT trademark and the only difference is substitution of the letter “ä” with the letter “e”. This substitution is insufficient to prevent a finding of confusing similarity. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.1](#), section 1.9. Therefore, the Panel finds the Complainant’s trademark 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.

In addition, it is well established that “.com”, as a generic Top-Level Domain, is disregarded in the assessment of the confusing similarity between the disputed domain name and the trademark. [WIPO Overview 3.1](#), section 1.11.1.

The Panel, therefore, finds that 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 there is no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s KÄTHE WOHLFAHRT trademark. There appears to be no element from which the Panel could infer the Respondent’s rights or legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Respondent is using the disputed domain name for an unauthorized online store that purports to offer for sale the Complainant’s products. Furthermore, the website to which the disputed domain name resolves copies various elements from the Complainant’s official website, including product pictures and descriptions. The Panel holds that the Respondent’s use of the disputed domain name does not meet the “Oki Data Test” requirements (as established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), because the website did not disclose the lack of relationship between the Respondent and the Complainant. [WIPO Overview 3.1](#), section 2.8. Moreover, based on the content of the website to which the disputed domain name resolves coupled with the composition of the disputed domain name which contains a misspelling of the Complainant’s trademark, it appears more likely than not that the Respondent intended to mislead Internet users into believing that the website is operated by the Complainant. In that sense, panels have held that the use of a domain name for illegitimate activity (such as passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. In any event, such use of the disputed domain name cannot be considered a bona fide offering of goods or services.

Having in mind the above, 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.

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 the present case, the Panel notes that the Respondent must have been well aware of the Complainant and its KÄTHE WOHLFAHRT trademark at the time of the registration of the disputed domain name. The content of the website to which the disputed domain name resolves, leaves no room for a doubt on the Respondent's knowledge of the Complainant and its KÄTHE WOHLFAHRT trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name. It should be also borne in mind that the registration and use of KÄTHE WOHLFAHRT trademark predates the registration of the disputed domain name by several decades.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As previously indicated, the disputed domain name is used for an unauthorized online store that purports to offer for sale the Complainant's products without disclosing its lack of relationship with the Complainant. The Panel considers such use of the disputed domain name as evidence of bad faith indicating that the Respondent has used disputed domain name nearly identical to the Complainant's mark primarily with the intention of attempting 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 such website, or of a product or service on such website.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, 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 <kethewohlfahrt.com> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: April 7, 2026