

## **ADMINISTRATIVE PANEL DECISION**

OMIS Group S.p.A. v. MediaWorld Advertising International FZE  
Case No. D2026-0629

### **1. The Parties**

The Complainant is OMIS Group S.p.A., Italy, represented by GriffeShield S.r.l., Italy.

The Respondent is MediaWorld Advertising International FZE, United Arab Emirates.

### **2. The Domain Name and Registrar**

The disputed domain name <omis.com> is registered with Key-Systems GmbH (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 16, 2026. On February 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant 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 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 19, 2026.

The Center appointed Warwick A. Rothnie, Hoda T. Barakat, and Nasser A. Khasawneh as the Administrative Panel in this matter on May 27, 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 May 29, 2026, the Center received an email communication from a Hubert Freidl claiming to be the CEO of the Respondent and “the beneficial owner and representative of [the Respondent]”. Mr. Freidl also claimed that the Center’s Notification of Panel Appointment of May 27, 2026 was the first communication he or the Respondent had received about the dispute.

On June 4, 2026, the Panel issued Procedural Order No 1 allowing Mr. Freidl until June 9, 2026 to make his proposed submission including providing a full explanation of why notice of the dispute had not been received prior to Notification of the Panel Appointment.

In the event, Mr. Freidl submitted a supplemental filing later that same day on June 4, 2026. The Complainant submitted its reply to that supplemental filing on June 9, 2026.

#### 4. Factual Background

The Complainant is a company which designs, manufactures and sells cranes, hoists, lifting equipment and associated industrial systems. It was founded in Italy in 1967. While it carries out its manufacturing activities mainly in Italy, its products are distributed around the world through a “structured” network of subsidiaries, affiliates and commercial partners.

According to the Complaint, it has traded since its foundation under the name OMIS which is a contraction of its original name, Officine Meccaniche Impianti Sollevamento.

The Complainant promotes its products and services from the website at “www.omis.net”. It also maintains social media accounts. Its Facebook account, @omisgroup, has 2,359 followers; one of its Instagram accounts, @omisgroup, has 1,228 followers; a second Instagram account, @omiselectric, has 1,206 followers and its LinkedIn account, 182 followers.

Amongst a number of registered trademarks, the Complainant owns:

- (1) European Union Registered Trademark (EUTM) No 009730953, a figurative mark for O OMIS, which was registered on March 30, 2012 in respect of a range of goods and services in International Classes 7, 9, 37, and 42.
- (2) International Registration for the same mark and in respect of the same goods and services, IR No 1825006. The International Registration was registered on August 5, 2024 and designated United Arab Emirates, Brazil, Canada, the European Union, United Kingdom, India, Korea (Republic of), Mexico, Türkiye, the United States of America, Switzerland, China, and Egypt.
- (3) Italian Registered Trademark No 0001127929, for the same figurative mark, goods and services and which was registered on July 16, 2008.

According to the Whois report, the disputed domain name was first registered on July 31, 2003.

Between May 2019 and around November 2023, it resolved to a website promoting the goods of an Austrian company OMI’S Products GmbH. This company apparently made and sold jams, marmalades, jellies, fruit compotes, and alcoholic and non-alcoholic beverages.

On October 18, 2019, OMI’S Products GmbH had registered EUTM No 018084466 (and a corresponding United Kingdom registered trademark) for a range of products including clothing, jams and spreads, alcoholic and non-alcoholic beverages in International Classes 25, 29, 30, 32, and 33.



Between May and July 2022, the Complainant approached OMI's Products GmbH in an attempt to buy the disputed domain name. This culminated in the Complainant making an offer of 5,000 Euros but receiving a rejection on the grounds that the disputed domain name was needed for OMI's Products GmbH's own business.

In November 2023, however, a liquidator was appointed over OMI's Products GmbH.

In May 2024, the liquidator of OMI's Products GmbH sold EUTM No 018084466 and a second registration for OMI's APFELSTRUDEL KENDLBACHER to Mr Freidl for 1,000 Euros. The transfer of the assignment from OMI's Products GmbH was recorded by EUIPO on the Register on September 3, 2024.

Having learnt of OMI's Products GmbH's insolvency, the Complainant made a second approach between October 2024 and January 2025 to buy the disputed domain name through a broker or the then Registrar.

In the course of those negotiations, on October 28, 2024 the broker informed the Complainant:

"We received a response from the trustee of the bankruptcy proceedings, who told us that 'Omis Products GmbH' is not the owner of the domain omis.com, but was only authorized to use it. The managing director of Omis Products GmbH [sic] informed the trustee that the domain owner *appears to be* 'myWorld International AG'.<sup>1</sup> (emphasis supplied)

On December 3, 2024, the broker further informed the Complainant:

"we finally received a response from MediaWorld Agency GmbH: they said *the company holding the domain registration* paid much more than [EUR]20,000 to acquire it, so the chances of that company reselling the domain for less than its purchase price are very low. In any case, they told me they're checking with the owning company and will get back to me." (emphasis supplied)

On January 7, 2025, after informing the Complainant that the holder of the disputed domain name had itself appointed a broker to handle the negotiations, the broker reported:

"we received a response from the owner of omis.com: they rejected our offer of 20,000 USD, but indicated they would be willing to consider an offer of at least 120,000 USD." (the USD 120,000 bid).

On March 26, 2025, a Whois record provided by Mr. Freidl showed that United Trade Mark Ltd held the disputed domain name. Mr Freidl is also the director of that company and, through another company, owns all the shares.

At some point between March 27, 2025 and April 11, 2025, the Respondent became the holder of the disputed domain name. Materials submitted by Mr. Feidl in his supplemental filing disclose that he is in fact the sole director and shareholder of the Respondent.

Between at least April 2025 and November 2025, the disputed domain name appears from Wayback Machine captures to have resolved merely to a blank page.

Meanwhile, in July 2025, the Complainant filed a complaint under the Policy against the Respondent: *OMIS Group S.p.A. v. mediaWorld Advertising International FZE* WIPO Case No. [D2025-2581](#) (the Previous Decision). While the (differently constituted) panel found that the disputed domain name was confusingly similar to the Complainant's trademark and the Respondent had no rights or legitimate interests in the disputed domain name, the Complaint was dismissed.

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<sup>1</sup> In that communication, the broker also informed the Complainant that it had received a response from a mediaWorld agency GmbH following an attempt to contact the holder of the disputed domain name through "whoisprivacy.com". The broker also explained that it appeared that mediaWorld agency GmbH "handles" online communications for myWorld International AG.

The panel found the Complainant failed to establish that the disputed domain name had been registered and used in bad faith. First, the panel found that the Complainant had failed to prove that the Respondent was associated with myWorld International AG – which the Complainant thought had made the USD 120,000 bid. Secondly and in any event, the panel concluded that USD 120,000 did not necessarily indicate an attempt to capitalise on the trademark’s value as there were a number of reported sales in the previous year for four-letter domain names for similar or even larger amounts.

On March 19, 2026 – six days after Notification of the Commencement of the Proceeding, Mr. Freidl contacted the Complainant and indicated the disputed domain name was available for transfer. Following this contact, Mr. Freidl sought payment of 650,000 Euros but this was reduced eventually to 450,000 Euros.

At the time this decision is being prepared the disputed domain name resolves to a webpage headed “omis.com Ultra-short Global Brand Asset”. According to the webpage:

“omis.com is a rare four-letter .com domain with strong phonetic clarity and global brand flexibility. Short-form .com domains represent structurally scarce digital assets with cross-industry adaptability.

The name is neutral, scalable, and suitable for technology, fintech, AI, SaaS, or venture-backed platform ecosystems.”

and

“Four-letter .com domains are finite digital assets with strong liquidity and international brand appeal. Short, neutral names are increasingly acquired as long-term infrastructure identities.”

## **5. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

Paragraph 15(a) of the Rules directs the Panel to decide the 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.

Before addressing those matters, it is necessary to decide if the refiled Complaint is admissible. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, (“[WIPO Overview 3.1](#)”), section 4.18. If so, the Panel needs to determine the admissibility of Mr Freild’s supplemental filing.

### **5.1 Procedural matters**

#### **A. Refiled Complaint**

In the interests of fairness and to prevent the Policy being used as an instrument of harassment, panels do not usually permit the refiling of a Complaint except in exceptional circumstances. [WIPO Overview 3.1](#), section 4.18.

The present Complaint qualifies as a refiled Complaint as it concerns the identical domain name and the identical parties to the Previous Decision which, in turn, was a decision on the merits.

The Complainant contends its refiled Complaint should be admitted because it was able to establish an association between the Complainant and myWorld International AG only after the panel in the Previous Decision concluded that the record did not reveal a relationship between the Respondent and myWorld International AG.

The Complainant points out that the ownership structure of the corporate group is opaque and further complicated by the use of a privacy service for the Whois record. It says that the information it relies on in this proceeding to support a conclusion that the Respondent “operates within the same commercial and strategic ecosystem as myWorld International AG” was not available through public trademark databases, standard Whois records or ordinary corporate searches but only through specialized investigations by a company specializing in online brand protection and online investigations.

According to the Complainant, it was only through the services of the specialized investigatory service that the Complainant was able identify that:

- (1) OMI's Products GmbH was never the owner of the disputed domain name;
- (2) myWorld International AG exercised beneficial control over the disputed domain name; and
- (3) as already mentioned, the Respondent and myWorld International AG operate “within the same commercial and strategic ecosystem”.

The Panel accepts that in proceedings which are meant to be expeditious a complainant is required to exercise reasonable diligence in identifying matters such as the relationships between prospective respondents. The difficulties are often compounded by the use of privacy services. But it must also be borne in mind that defending a complaint does impose costs and stress on the respondent and could result in the loss of a valuable asset.

The Panel has reservations about the Complainant's submissions on this issue. For example, it was told before it filed the previous Complaint that OMI's Products GmbH was not the owner of the disputed domain name. It also knew that OMI's Products GmbH, at least, was in liquidation. It was also told that mWorld International AG was only acting for the owner.

Further, the Complainant has not disclosed what searches it did undertake or what the difficulties with insolvency searches, if any, were.

That said, the Panel accepts that the use of the privacy service for the Whois records has complicated matters considerably. In addition, the corporate structure of which the Respondent is part is convoluted and even at this stage not entirely clear. It is difficult to resist the suggestion that that is deliberately so. In these circumstances and as both parties have submitted substantive responses, it is more appropriate to deal with the matter on the merits.

#### **B. Mr. Freidl's supplemental filing**

First, the information provided by Mr. Freidl confirms he is the sole director and shareholder of the Complainant. In these circumstances, the Panel accepts Mr. Freidl has authority to make submissions on behalf of the Respondent.

Secondly, Mr. Freidl says the Respondent did not receive the Notification of Complaint because the domain name administration infrastructure for companies under his control was managed through the myWorld group. This included the administrative contact email recorded for the disputed domain name. When the myWorld group went into liquidation, however, the relevant mailbox was no longer operational. It was only recently that the Respondent was able to establish its own independent email infrastructure and that enabled it to recreate the relevant mailbox. The Notification of Panel Appointment was received after that recreation.

Mr. Freidl's supplemental filing, however, does contain material of direct relevance to the issues in the proceeding and, in the circumstances, it is appropriate to admit it.

## **5.2 Substantive matters**

### **A. Identical or Confusingly Similar**

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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.

As noted above, the Complainant has proven ownership of registered trademarks for a figurative "O" OMIS mark.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. See e.g., [WIPO Overview 3.1](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.1](#), section 1.11. Further and as is appropriate in this case, it is also usual to disregard the design elements of a trademark under the first element as such elements are generally incapable of representation in a domain name. Where the textual elements have been disclaimed in the registration or cannot fairly be described as an essential or important element of the trademark, however, different considerations may arise. See for example, [WIPO Overview 3.1](#), section 1.10. In this case, the figurative elements of the Complainant's trademarks are not so dominating that the verbal element cannot be considered an essential or important part of the trademarks in this case. Accordingly, it is appropriate to apply the usual rule.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's registered trademark without the figurative "O" device. As this requirement under the Policy is essentially a standing requirement, the omission of this figurative element does not preclude a finding of confusing similarity. Apart from anything else, the verbal element Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is at least confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

### **B. Rights or Legitimate Interests**

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making 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.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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.

There is no dispute between the Parties that:

- (1) The Respondent registered the disputed domain name after the Complainant began using the trademark and also after the Complainant had registered its trademark, at least as the EUTM;
- (2) The Respondent is not affiliated with the Complainant;
- (3) The Complainant has not otherwise authorised the Respondent to use the disputed domain name
- (4) The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived.

These factors are usually sufficient to establish a prima case that the Respondent does not have rights or legitimate interests in a disputed domain name.

In his supplemental filing, Mr. Freidl claims that OMI's Products GmbH was another company under his ownership and control. Mr. Freidl also claims that his company United Trade Mark Limited became the holder of the disputed domain name in 2018 and licensed it to OMI's Products GmbH.

As the Complainant points out, Mr. Freidl does not provide any evidence to support his claim to ownership and control of OMI's Products GmbH. As that is a matter that is within his power to disclose, the Panel considers it was incumbent on him to provide such corroboration as he could. After all, his supplemental filing does include ownership details of both the Respondent and United Trade Mark Limited. In these circumstances, therefore, the Panel is unable to accept this claim.

In the case of United Trade Mark Limited and the disputed domain name, Mr. Freidl does provide an historical screenshot showing the company was the registrant on March 26, 2025. Once again, as the Complainant contends, that does not provide a sufficient basis for the Panel to infer that United Trade Mark Limited held the disputed domain name from 2018 until its transfer to the Respondent around April 2025.

However, Mr. Freidl is the owner of EUTM No 018084466. It is far from clear what, if anything, he proposes to do with that registration. That said, Mr. Freidl negotiated its purchase with the liquidator of OMI's Products GmbH in May 2024.

Generally, a respondent's prior registration of a trademark which corresponds to a domain name will ordinarily support a finding of rights or legitimate interests. However, it does not automatically do so. [WIPO Overview 3.1](#), section 2.12.2 explains:

"Panels have generally declined to find rights or legitimate interests in a respondent's domain name on the basis of a corresponding trademark or business registration where the overall circumstances demonstrate that such trademark was obtained primarily to circumvent the complainant's assertion of its rights or otherwise prevent the complainant's exercise of its rights (even if only in a particular jurisdiction). Absent evidence of such circumstances indicating pretext however, panels have been reluctant to reject a respondent trademark registration out of hand."

It is possible that Mr. Freidl negotiated the transfer of the EUTM as part of some far-sighted plan to forestall an assertion of rights by the Complainant. However, Mr. Freidl negotiated the purchase of the EUTM in May 2024, some four or five months before the Complainant made its second attempt to acquire the disputed domain name. While the Complainant had been using its trademark for many years by then, it appears to have been operating in a specific field of activity. There is no evidence suggesting Mr. Freidl was involved in that field. And the evidence before the Panel does not suggest that the Complainant's trademark was so well-known that Mr. Freidl was likely to have been aware of it. In these circumstances, the Panel is unable to find that Mr. Freidl acquired the EUTM as a pretext to forestall the Complainant's rights.

Accordingly, Mr. Freidl would have rights or legitimate interests in the disputed domain name given its close resemblance to the EUTM. Acknowledging that Mr. Freidl and the Respondent are separate legal personalities, the Respondent can also rely on Mr. Freidl's ownership of the EUTM as a company wholly owned and controlled by him.

Accordingly, the Panel finds the Complainant has not established the second requirement under the Policy and so the Complaint must fail.

### **C. Registered and Used in Bad Faith**

As the Complaint must fail, no useful purpose would be served by addressing the third requirement under the Policy.

### **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.

The Panel does not consider this is an appropriate case for a finding of reverse domain name hijacking.

Neither the Respondent nor Mr. Freidl responded to the Complainant's contentions in the Previous Decision. Even though the Respondent's identity was known as a result of the Previous Decision, the ownership and inter-relationship of the various holders and users of the disputed domain name were and are complicated and opaque.

**6. Decision**

For the foregoing reasons, the Complaint is denied.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Presiding Panelist

*/Hoda T. Barakat/*

**Hoda T. Barakat**

Panelist

*/Nasser A. Khasawneh/*

**Nasser A. Khasawneh**

Panelist

Date: June 24, 2026