

ADMINISTRATIVE PANEL DECISION

OC Oerlikon Corporation AG v. wu hu fang duo xin xi ke ji you xian gong si
(芜湖方多信息科技有限公司)

Case No. D2026-0886

1. The Parties

The Complainant is OC Oerlikon Corporation AG, Switzerland, represented by Abion GmbH, Switzerland.

The Respondent is wu hu fang duo xin xi ke ji you xian gong si (芜湖方多信息科技有限公司), China.

2. The Domain Name and Registrar

The disputed domain name <oerlikon-balzers.com> is registered with eName Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 27, 2026. On March 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the following day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 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 in English on March 6, 2026.

On March 3, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On March 6, 2026, the Complainant confirmed its request that English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on March 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 2, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on April 15, 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 part of the Oerlikon group which produces advanced materials, surface technology, and additive manufacturing for a range of industries, including aerospace, automotive, energy, medical, luxury, semiconductors, and tooling. In 1976, Balzers AG was integrated into the Oerlikon group. The Oerlikon group now uses the brand "Oerlikon Balzers" in connection with surface technologies and related services. The Oerlikon group is present in China, where one of its companies, Oerlikon Balzers Coating (Suzhou) Co., Ltd. (欧瑞康巴尔查斯涂层(苏州)有限公司), has multiple branches. The Complainant holds multiple trademark registrations, including the following:

- International trademark registration number 960105 for OERLIKON, registered on May 23, 2007, designating multiple jurisdictions;
- International trademark registration number 965695 for a stylized OERLIKON mark, registered on July 5, 2007, designating multiple jurisdictions;
- Chinese trademark registration number 5471952 for a stylized OERLIKON mark, registered on June 21, 2010; and
- Chinese trademark registration number 5471943 for OERLIKON, registered on November 21, 2010.

The above trademark registrations are current. The Complainant uses the domain name <oerlikon.com> in connection with a website in multiple languages, including Chinese, where it makes available information about its company group and its products and services. The website prominently displays the stylized OERLIKON mark and also displays the "Oerlikon Balzers" brand. The Complainant also uses the domain name <oerlikonbalzerscoating.com> to redirect to the domain name <oerlikon.com>.

The Respondent is a Chinese company. Its name may be translated as "Wuhu Fangduo Information Technology Co., Ltd."

The disputed domain name was registered on January 1, 2026. It initially resolved to a website in Chinese titled "欧瑞康巴尔查斯涂层(苏州)有限公司", which is the name of one of the Complainant's group companies. The website listed a wide range of potential business activities of this company and displayed buttons to get in contact and to link to partner websites. On January 21, 2026, the Complainant sent a cease and desist letter to the Respondent via the Registrar. The current website no longer displays a company name in its title. It now offers website design and development, APP customization, and other Internet-related services.

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 the Complainant's OERLIKON trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated with the Complainant in any form.

The disputed domain name has been registered and is being used in bad faith. The OERLIKON trademark is widely known. The structure of the disputed domain name clearly refers to the Complainant, its mark, and the "Oerlikon-Balzers" brand. The disputed domain name resolved to a website that implied a direct association with the Complainant or the Oerlikon group, by pretending to be operated by Oerlikon Balzers Coating (Suzhou) Co., Ltd.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is composed of Latin letters in the ".com" generic Top-Level Domain ("gTLD"), and translation of the Complaint would entail significant additional costs for the Complainant and delay the proceeding.

Despite the Center having sent an email regarding the language of the proceeding and the notification of the Complaint in Chinese and English, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in participating otherwise in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (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 burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of the OERLIKON trademark for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the OERLIKON mark is reproduced within the disputed domain name as its initial element. Despite the addition of the name "balzers", separated from the mark by a hyphen, the mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a gTLD extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the disputed domain name incorporates the Complainant's OERLIKON trademark and combines it with the name "Balzers", separated from the mark by a hyphen, such that it is identical to the Complainant's "Oerlikon Balzers" brand. The disputed domain name resolved to a website for "欧瑞康巴尔查斯涂层(苏州)有限公司", which is the Chinese name of Oerlikon Balzers Coating (Suzhou) Co., Ltd., a company in the Complainant's group. All this gave the impression that the website belonged to a company affiliated with the Complainant. Yet the Complainant submits that it has not licensed or authorized the Respondent to register or use the disputed domain name and that the Respondent is not affiliated with the Complainant in any form. Even though the website has since changed, so that it no longer displays the name of a company related to the Complainant, the disputed domain name itself continues to give the false impression that it will resolve to a website affiliated with the Complainant. Moreover, the content of the current website does not appear to be genuine, but rather a generic presentation with false contact telephone numbers. Accordingly, these circumstances do not indicate that the disputed domain name is being used in connection with a bona fide offering of goods and services, nor that this is a legitimate noncommercial or fair use.

Further, the Registrar has verified that the Respondent's name is "wu hu fang duo xin xi ke ji you xian gong si (芜湖方多信息科技有限公司)", which may be translated as "Wuhu Fangduo Information Technology Co., Ltd.". That name does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the record, 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. The fourth circumstance is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] 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 [the respondent's] website or location or of a product or service on [the respondent's] web site or location."

In the present case, the disputed domain name was registered in 2026, years after the registration of the Complainant's OERLIKON trademark, including in China, where the Respondent is based. The disputed domain name wholly incorporates the mark and combines it with the name "Balzers", which is surely not a coincidence but rather indicates an awareness of the Complainant's "Oerlikon Balzers" brand. The associated website initially purported to present a company with the same name as a Chinese company in the Complainant's group. It is clear from these circumstances that the Respondent knew of the Complainant and the Complainant's mark at the time when it registered the disputed domain name.

As regards use, the disputed domain name gives the false impression that it will resolve to a website belonging to a company related to the Complainant. The associated website initially presented a company with a Chinese name identical to that of a company in the Complainant's group. In view of these circumstances, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the affiliation or endorsement of the Respondent's website within the terms of paragraph 4(b)(iv) of the Policy.

The Panel has taken note that the website associated with the disputed domain name has since changed and that it no longer refers to a company in the Complainant's group. However, the current website does not appear to be genuine. Given that fact, and that the change in website content occurred after the Complainant dispatched a cease and desist letter, these circumstances are, if anything, a further indication of bad faith.

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 <oerlikon-balzers.com> be transferred to the Complainant.

/Matthew Kennedy/
Matthew Kennedy
Sole Panelist
Date: April 20, 2026