ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
mac OIL GmbH v. Joseph Akouri
Case No. D2026-1009

1. The Parties

The Complainant is mac OIL GmbH, Germany, represented by VON ROHR Patentanwälte Partnerschaft mbB, Germany.

The Respondent is Joseph Akouri, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <mac-oil.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 9, 2026. On March 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. The Respondent sent an informal email communication to the Center on March 10, 2026. On March 11, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 March 13, 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 March 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2026. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on April 8, 2026. The Respondent filed its Response on April 9, 2026. The Complainant filed a Supplemental Filing on April 13, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on April 13, 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.

The Panel issued Procedural Order No. 1 on April 13, 2026, ordering the Complainant to file an amendment to the Complaint, containing a complete Certification in accordance with Paragraph 3(b)(xiii) of the Rules. The Complainant filed an amendment to the Complaint on April 13, 2026.

4. Factual Background

The Complaint contains little information concerning the Complainant's business. All that can be gleaned is that the Complainant is a German corporation that owns European Union Trademark Registration No. 011409463 MAC OIL in class 37, having a registration date of November 21, 2014.

Although no specific reference was made in the Complaint to the Complainant's website, the Panel notes that the Complainant's contact email address as specified in the Complaint is hosted at the domain name <mac-oil.de>, which the Panel has independently established resolves to the website of a German motor vehicle oil change service provider trading as "macOIL", referring to the Complainant's corporation. [1] The Panel therefore infers that this relates to the Complainant's business.

The disputed domain name was registered on July 31, 2019, and presently resolves to a Registrar parking page containing information on heating oil, with various links that resolve to pages displaying advertisements for various heating oil products. The Complainant's Internet Archive evidence shows that the disputed domain name previously resolved to Registrar parking pages suggesting that the disputed domain name may be available for purchase.

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 because the disputed domain name reproduces the Complainant's trademark in its entirety, it is highly unlikely that the Respondent registered the disputed domain name without being aware of the Complainant and its trademark rights. The Complainant further contends that the disputed domain name was registered and has been used in bad faith primarily for the purpose of selling the disputed domain name to the Complainant for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name, within the meaning of paragraph 4(b)(i) of the Policy. The Complainant relies on the doctrine of passive holding, the fact that the Respondent concealed his identity using a privacy service, and the implausibility of any good faith use of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

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[1] In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

Notably, the Respondent argues that he has a legitimate interest in the disputed domain name as it comprises the common dictionary words "mac" and "oil," registered without knowledge of or intent to target the Complainant, whose business is geographically limited to Germany and does not extend to the Respondent's jurisdiction of the United States. The Respondent claims to have registered the disputed domain name as a "potential future project name or investment in a generic domain phrase."

The Respondent requests a finding of Reverse Domain Name Hijacking ("RDNH") on the basis that the Complainant filed the Complaint in the absence of any evidence of targeting.

6. Discussion and Findings

A. Admissibility of Late-Filed Response

The Response was filed late, and the Panel is tasked with determining its admissibility.

Paragraph 14(a) of the Rules provides that, in the event of a late response, absent exceptional circumstances, panels shall proceed to a decision based solely on the complaint. Paragraph 10(b) of the Rules requires panels to ensure that parties are treated with equality and that each party is given a fair opportunity to present its case.

The Respondent did not file any submissions in support of the late filing. However, despite the absence of exceptional circumstances, the Panel considers that, consistent with paragraphs 10(b) and 10(c) of the Rules, it is in the interests of justice to nevertheless admit the Response.

The Response was filed four days late. The Respondent is unrepresented. The Response was filed before the Panel was appointed and has thus not substantially delayed these proceedings. It contains assertions that are relevant to deciding the case. The Complainant did not object to the late filing in its Supplemental Filing. In the circumstances, there is no prejudice to the Complainant in accepting the late-filed Response and the Panel admits it accordingly.

B. Admissibility of Supplemental Filing

The Complainant filed a Supplemental Filing.

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance, foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present its case. Paragraph 10(b) of the Rules; *Societé aux Loteries en Europe, SLE v. Take That Ltd.*, WIPO Case No. D2007-0214; WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.6.

UDRP panels have consistently found that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response. WIPO Overview 3.1, section 4.6. This, the Complainant has not attempted to do.

The Complainant's Supplemental Filing consists largely of rebuttals of the Respondent's Response which could have been anticipated and included in the Complaint. It also seeks to introduce (very limited) evidence of the Complainant's alleged reputation, which could easily have been adduced along with the Complaint. To that extent, the Panel declines to admit the Complainant's Supplemental Filing.

In any event, even if the Panel were to admit the Supplemental Filing, the Panel considers that it would not have changed the Panel's findings in relation to the third element below. In particular, the evidence that the Complainant claims shows its "industry presence and visibility" is limited to a single screenshot of the

Complainant's own website taken from the Internet Archive. As such, it falls well short of the type of evidence that would be required to show that the Complainant or its mark enjoyed a reputation at any relevant time. See WIPO Overview 3.1, section 1.3.

C. 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 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 Panel finds that 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. Here, the disputed domain name is aurally identical to the mark and visually nearly identical. UDRP panels have found the interspersion of a hyphen, including in the middle of the trademark as in this case, does not prevent a finding of confusing similarity. *EnBW Energie Baden-Württemberg AG v. Contact Privacy Inc. / ICS INC.*, WIPO Case No. D2013-1069; *Worldpay Limited v. pay world / PrivacyProtect.org*, WIPO Case No. D2014-0018.

The Panel finds the first element of the Policy has been established.

D. Rights or Legitimate Interests

In light of the Panel's findings in relation to the third element below, there is no need to consider the second element.

E. Registered and Used in Bad Faith

For the following reasons, the Panel finds that there is insufficient evidence of targeting.

The Respondent is based in the United States and the Complainant has not adduced any evidence showing that its mark has been used or is known in the United States at all, or otherwise showing that the Respondent was or should have been aware of the Complainant's mark.

The Panel is aware that the use of "mac-oil" with a hyphen corresponds to the Complainant's domain name under the German country code (".de"), and as that predates the registration of the disputed domain name, it is possible that the Respondent was aware of this prior domain name registration and sought the disputed domain name under ".com" in anticipation of the Complainant desiring it, but this is speculative and not argued or proven on the evidence provided by the Complainant.

The Panel's Internet searches for the Complainant's MAC OIL mark, as well as for the second level portion of the disputed domain name "mac-oil", returned results that do not relate to the Complainant at all across the first three pages of results when the searches are conducted using a Virtual Private Network (VPN) server based in the United States. These Internet searches reveal that there are numerous other businesses that trade under a "mac oil" or similar brand, as do trademark searches on the international trademark search database TMview. In addition to showing that the mark was not known in the Respondent's jurisdiction, this also shows that if the Respondent had conducted searches for these terms as part of a due diligence exercise prior to registering the disputed domain name, he would not necessarily have been led to the conclusion that the disputed domain name was likely to abuse the Complainant's rights.

The disputed domain name is not being used for any purpose relating to the Complainant or its industry, and there are no other indicia of cybersquatting such as the use of elements of branding (for example, a logo) associated with the Complainant.

The disputed domain name is composed of a combination of two words, “mac” and “oil” (even if not an ordinary combination), and, as the searches discussed above show, these words have been used by other businesses, showing that it is not inconceivable that the Respondent could likewise have adopted these words for their significance other than as the Complainant’s trademark.

In the circumstances, the Complainant has not met its burden of establishing, on balance of probabilities, that it is more likely than not that the disputed domain name was registered and has been used with the Complainant’s mark in mind.

The Panel finds the third element of the Policy has not been established.

F. Reverse Domain Name Hijacking

The Respondent requested a finding of RDNH.

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 RDNH 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 considers that the Respondent’s request for a finding of RDNH is not wholly without merit. On the one hand, the Panel considers that the Complainant lacked reasonable grounds for contending that the Respondent registered the disputed domain name in the knowledge of the Complainant's trademark and with the intention of selling the disputed domain name to the Complainant. The Panel also notes that the Complainant is legally represented, and that represented parties are held to a higher standard. WIPO Overview 3.1, section 4.16.

On the other hand, the Complainant’s mark and domain name are virtually identical to and were registered long in advance of the disputed domain name. Based on the Panel’s viewing of Internet Archive records for the Complainant’s website hosted at <mac-oil.de>, it appears that the Complainant has also been trading since at least 2013, which also long predates registration of the disputed domain name.

Thus, it is not implausible that the Complainant formed a sincere belief (albeit one unsupported by evidence) that the disputed domain name constituted cybersquatting, and that belief was not entirely without foundation.

On balance, the Panel declines to find RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: April 16, 2026