

ADMINISTRATIVE PANEL DECISION

Mercedes-Benz Group AG v. Jiri Capcuch
Case No. D2026-1044

1. The Parties

The Complainant is Mercedes-Benz Group AG, Germany, represented by Heumann Intellectual Property Law, Germany.

The Respondent is Jiri Capcuch, Czech Republic.

2. The Domain Name and Registrar

The disputed domain name <mercedes-benz.com> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2026. On March 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 13, 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, Dynadot Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 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 March 13, 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 March 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 8, 2026. The Center appointed Michael D. Cover 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.

4. Factual Background

The Complainant is a world-renowned automobile manufacturer and its famous trademark MERCEDES-BENZ has enjoyed protection around the world for nearly one hundred years.

The Complainant is the proprietor of the following registered trademarks:

International trademark No. 414,857 registered on December 14, 1974 MERCEDES-BENZ, in various Classes of the International Classification;

International trademark No. 447,765 registered on September 29, 1979 MERCEDES-BENZ in Classes 35, 36, 37, 39, 41, and 42

International trademark No. 818,379 registered on November 10, 2003 MERCEDES-BENZ in Classes 9, 14, 16, 18, 24, 25, 28, and 34.

The Disputed Domain Name was registered on May 11, 2011. The Disputed Domain Name is not being used for any purpose.

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.

Identical or Confusingly Similar

The Complainant states that its trademark MERCEDES-BENZ is known worldwide as the Complainant's automobile brand and that, as the Complainant is one of the largest luxury car manufacturers in the world, the Complainant submits that the Disputed Domain Name suggests that it is a disputed domain name originating from the Complainant or that there is at least co-operation between the Complainant and the Respondent.

No Rights or Legitimate Interests

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant notes that there has been in the past and currently no legitimate offer of goods or services under the Disputed Domain Name and, indeed, the Disputed Domain Name is not being used for any purpose whatsoever. The Complainant notes that the Respondent is not known under the Disputed Domain Name, whereas the Complainant can advance such a claim.

Registered and Used in Bad Faith

The Complainant maintains that the Disputed Domain Name was registered and is being used in bad faith.

The Complainant notes that the Disputed Domain Name has been registered since May 11, 2011 and bears no content and the Respondent is not affiliated with the Complainant. The Complainant goes on to submit that the Disputed Domain Name was registered by the Respondent with an obvious spelling mistake, which indicates that the Respondent was aware of the correctly-spelled and world famous domain <mercedes-benz.com> of the Complainant. The Complainant cites the Administrative Panel Decision in the case *Deutsche Lufthansa AG v. Office Links Pty Limited*, WIPO Case No. [DAU2009-0005](#) in support of the Complainant's submission that there is no evidence that the Respondent registered the Disputed Domain Name in connection with a *bona fide* offering of goods or services or for any other than to possibly receive profit from its transfer.

The Complainant also submits that the Disputed Domain Name uses the world famous trademark of the Complainant and cites the Administrative Panel Decision *Deutsche Lufthansa AG v. Miguel Casajuana*, WIPO Case No. [D2009-0018](#), which set out that:

“The fact that the Respondent registered a domain name identical to the Complainant’s well-known trademark is clear indication of bad faith.”

The Complainant concludes that, based on the foregoing, the Respondent has no interest, legitimate or otherwise, in the Disputed Domain Name, other than possibly to attempt to sell the Disputed Domain Name expensively to the Complainant and that the Respondent may use the confusingly similar Disputed Domain Name for phishing attacks.

The Remedy requested by the Complainant

The Complainant requests that the Panel orders that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in the Disputed Domain Name and that the Disputed Domain Name has been registered and 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 its MERCEDES-BENZ trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the Complainant’s trademark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant’s trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

It is well-established in UDRP Decisions that applicable gTLD, in this case “.com”, is a standard registration requirement and is to be ignored in considering similarity.

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 disputed 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 Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the Disputed Domain Name or that the Respondent is making legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain misleadingly to divert consumers or to tarnish the reputation of the Complainant’s trademark

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.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the Disputed Domain name, and finds that, in the circumstances of this case, the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy. The Complainant’s registrations of its MERCEDES-BENZ trademark predate the registration of the Disputed Domain Name by a considerable margin, and the disputed domain name has a misleading nature.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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 <mercedes-benz.com> be transferred to the Complainant

/Michael D. Cover/

Michael D. Cover

Sole Panelist

Date: April 27, 2026