

## **ADMINISTRATIVE PANEL DECISION**

VDA Verband der Automobilindustrie e.V. v. Muhsin Akay  
Case No. D2026-1069

### **1. The Parties**

The Complainant is VDA Verband der Automobilindustrie e.V., Germany, represented by Kroher Strobel Rechts- und Patentanwälte PartmbB, Germany.

The Respondent is Muhsin Akay, Türkiye.

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

The disputed domain name <vitaladblue.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 12, 2026. On March 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 16, 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 (Domains By Proxy, LLC, Vital Chemistry Group Kimya Limited Sirketi) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 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 17, 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 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 18, 2026.

The Center appointed Andrea Mondini as the sole panelist in this matter on April 22, 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 VDA Verband der Automobilindustrie e.V., the German association of the automotive industry, owning several trademark registrations for ADBLUE, a brand used for urea that reduces the Nitrogen Oxides (“NOX”) emissions of diesel engines, particularly in the field of commercial and heavy goods vehicles, among which:

- International Trademark Registration No. 811899 for ADBLUE, registered on August 8, 2003;
- European Union Trademark Registration No. 003945938 for ADBLUE, registered on February 6, 2006;
- Turkish Trademark Registration No. 2012 17438 for ADBLUE, registered on October 17, 2014.

In a previous UDRP decision of June 12, 2025, rendered between the same Parties, the panel ordered the cancellation of the domain name <vitaladblue.com>, as requested by the Complainant, which was identical to the disputed domain name in the present proceedings (*VDA Verband der Automobilindustrie e.V. v. Muhsin Akay*, WIPO Case No. [D2025-1418](#)). On August 17, 2025, the Respondent apparently re-registered the same domain name, which is now the disputed domain name in the present proceedings.

According to the evidence submitted with the Complaint, the disputed domain name resolves to the website of a Turkish company Vital Chemistry Group featuring the Complainant’s ADBLUE trademark and purporting to offer inter alia the “Vital Adblue” urea products and “Adblue” products.

#### **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 as follows:

The trademark ADBLUE is well known. The Complainant is entrusted with protecting and enforcing this trademark on a worldwide scale and has established a licensing system for companies in the chemical industry who supply and manufacture urea (see “[www.vda.de](#)”). The Complainant submitted a list of all official licensees. The disputed domain name is confusingly similar to the ADBLUE trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the descriptive term “vital” is not sufficient to prevent a finding of confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use this trademark and is not making a legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark ADBLUE at the time it registered the disputed domain name.

The Respondent is using the disputed domain name in bad faith: through the website linked to the disputed domain name, the Respondent offers urea solution for the reduction of NOX emissions in vehicles. By using the Complainant’s trademark in the disputed domain name and on the linked website, the Respondent intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of

confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. The Complainant states that the goods currently offered by the Respondent are original "Adblue" products manufactured by a licensee, but contends that this use within the distribution channel does not legitimize the use of "Adblue" as a business name or in this case as a domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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.

### **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 Panel finds the entirety of the mark is reproduced within the disputed domain name.

Although the addition of other terms such as here "vital" may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.1](#), section 1.11.1.

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 for a complainant to prove 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.

Neither the Respondent nor the company Vital Chemistry Group are featured on the Complainant's list of Adblue licensees. However, the Complainant states that the goods currently offered by the Respondent on the website at the disputed domain name are original "Adblue" products manufactured by a Complainant's licensee. The question is whether the Respondent would therefore have any rights or legitimate interests in using the disputed domain name that is confusingly similar to the Complainant's trademark to sell the genuine products of the Complainant.

According to the current state of UDRP decisions in relation to the issue of resellers as summarized in the [WIPO Overview 3.1](#), section 2.8.1:

"[...] resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the 'Oki Data test', the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to 'corner the market' in domain names that reflect the trademark."

This summary is based on the UDRP decision in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). On the website at the disputed domain name, the Complainant's trademark ADBLUE is displayed and it is stated that "Vital Adblue is one of the most important brands of the Vital Chemistry family", and there is no reference to the lack of relationship between the Respondent and the Complainant. Additionally, the Respondent purports to also sell products (antifreeze and windshield washer fluid) under the other brand in addition to the Complainant's products on the website at the disputed domain name. Thus, the Panel is of the opinion that this is sufficient to support the allegation of the lack of rights or legitimate interests of the Respondent in relation to this disputed domain name.

Moreover, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

Based on the available 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. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the fact that the Respondent re-registered the same domain name shortly after a prior UDRP decision ordered the cancellation of the domain name, is evidence of registration in bad faith. The Panel further notes that the disputed domain name is being used in bad faith, since the Respondent is trying to attract Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the disputed domain name's source, sponsorship, affiliation or endorsement, an activity clearly detrimental to the Complainant's business, as already found by the previous panel. See *VDA Verband der Automobilindustrie e.V. v. Muhsin Akay, supra*.

The above suggests to the Panel that the Respondent intentionally re-registered and is using the disputed domain name in order to attract Internet users to its website for possible commercial gain in accordance with paragraph 4(b)(iv) of the Policy. Such use of the disputed domain name would also disrupt the Complainant's business.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

## **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 <vitaladblue.com> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: May 4, 2026