

ADMINISTRATIVE PANEL DECISION

Generos de Punto Victrix, S.L. v. Raphael Schindler, Radicle Inc.
Case No. D2026-1173

1. The Parties

The Complainant is Generos de Punto Victrix, S.L., Spain, represented by Elia Sugrañes, S.L., Spain.

The Respondent is Raphael Schindler, Radicle Inc., Canada.

2. The Domain Name and Registrar

The disputed domain name <gerryweber.online> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2026. On March 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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 (Contact Privacy Inc. Customer 0154522248, Contact Privacy Inc. Customer 0154522248) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 23, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On March 23, 2026, the Center sent an email to the Registrar notifying it of the expiry of the disputed domain name, requesting that the domain name be placed on LOCK status, and seeking clarification on whether any action was required from the Parties. Upon receiving the clarification, the Center informed the parties and the Registrar on the same day. The Registrar confirmation that the domain name will be placed in lock status and no action is required by the parties. The Complainant filed an amended Complaint on March 25, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 17, 2026.

The Center appointed Meera Chature Sankhari 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, GÉNEROS DE PUNTO VICTRIX, S.L. (hereinafter "Victrix") founded in 1976 is a Spanish fashion business group and the parent holding company overseeing the design, manufacture, marketing, and distribution of women's garments across multiple brands. The Complainant states that it has acquired GWI GmbH ("GWI"), the company historically owning the GERRY WEBER brand. Following the acquisition, the Complainant claims to have actively promoted the brand GERRY WEBER, which continues to be actively used in connection with women's fashion collections produced and distributed by the company, preserving the brand's legacy and ensuring the continuation of the brand's commercial presence and protecting its longstanding market reputation.

The Complainant claims to have acquired rights in the mark "GERRY WEBER" across multiple countries and territories worldwide. The earliest registration of the device mark "GERRY WEBER" was in Germany. Moreover, the Complainant has registration for the word mark "GERRY WEBER" in Canada under No. TMA1039449 dated July 10, 2019 in multiple classes and in the European Union under No. 016976409 in Classes 7 and 9 dated January 17, 2018. The Complainant also holds international registration under No. 1382642 dated July 13, 2017 in Classes 7 and 9.

The disputed domain name <gerryweber.online> was registered on April 19, 2019, by Raphael Schindler. The Complainant alleges that the disputed domain name was active. The Panel notes that at the time of the decision the disputed domain name resolves to a website offering products under the Complainant's brand and includes references to the Complainant's official stores.

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 <gerryweber.online> is identical to the Complainant's trademarks "GERRY WEBER" because it reproduces the entirety of the registered mark. The Complainant also alleges that TLD ".online" is a standard registration requirement and, as such, is disregarded under the first element confusing similarity test. Thus, the disputed domain name is identical or confusingly similar to the Complainant's mark.

The Complainant submits that the Respondent has not been authorized, licensed, or otherwise permitted to use its "GERRY WEBER" trademarks in any manner. The Complainant also contends that the Respondent operates a website under the disputed domain name which appears to offer products in the Complainant's categories without authorization, creating the false impression that the website is affiliated with or sponsored by or endorsed by or operated by the Complainant. Such use is intended to mislead and divert the consumers for commercial gain and to exploit the reputation of the Complainant's trademarks. Therefore, such use is not fair, is not legitimate, and does not give rise to rights or legitimate interests.

The Complainant submits that the disputed domain name resolves to a website that offers products under Complainant's brand and includes references to the Complainant's official stores and related information concerning the GERRY WEBER brand. This demonstrates that the Respondent was aware of the Complainant and its trademark at the time of registration. The Complainant also contends that such use is creating a false impression and likelihood of confusion among Internet users and consumers and is intended to divert Internet traffic to the Respondent's website for commercial gain, thereby disrupting the Complainant's business and damaging the reputation of its trademarks. In light of these circumstances, the Respondent's registration and use of the disputed domain name constitutes bad faith

B. Respondent

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

6. Discussion and Findings

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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. [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.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

In the present case, the Panel notes that the disputed domain name resolves to a website wherein the Respondent is using an identical mark “GERRY WEBER” to create a likelihood of confusion among the consumers. However, the Panel also notes that the Complainant contention regarding the website including references to the Complainant’s official stores are unsupported by adequate material to compare. That as it may be, Annexure 4 and 5 clearly establish that the Complainant’s rights in the trademark “GERRY WEBER” are violated and thus, bad faith is established. Further, the Respondent has not refuted any claims of the Complaint. Accordingly, the Panel is satisfied with the Complainant’s contentions.

Panels have held that the use of a domain name for illegal activity here, claimed *passing off*, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. 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 <gerryweber.online> be transferred to the Complainant.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: May 8, 2026