

ADMINISTRATIVE PANEL DECISION

Schwartauer Werke GmbH & Co. KG v. niu youguo
Case No. D2026-1928

1. The Parties

The Complainant is Schwartauer Werke GmbH & Co. KG, Germany, represented by Raffay & Fleck Patentanwälte, Germany.

The Respondent is niu youguo, United States of America.

2. The Domain Name and Registrar

The disputed domain name <cornystore.shop> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 5, 2026. On May 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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 (Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 May 8, 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 May 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 8, 2026.

The Center appointed Simone Huser as the sole panelist in this matter on June 10, 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 company based in Schleswig-Holstein, Germany, that manufactures and sells, among other products, muesli bars under the brand CORNY.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

- CORNY, German Trademark Registration No. 1009730, registered on October 27, 1980, in International Class 30;
- CORNY, International Trademark Registration No. 646815, registered on October 24, 1995, in International Class 30;
- CORNY, European Union Trade Mark Registration No. 000173179, registered on October 4, 1999, in International Class 30.

The disputed domain name was registered on August 22, 2025.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website incorporating the Complainant's trademark and which appears to offer the Complainant's products for sale.

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 disputed domain name is confusingly similar to the registered trademark in which the Complainant has rights, because it incorporates the Complainant's CORNY mark in its entirety, and only differs by the addition of the descriptive term "store".

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the website at the disputed domain name lacks information on the identity of the domain holder and uses pictures as promotional material originating from the Complainant's official CORNY Amazon store. Moreover, the Respondent used false address details to register the disputed domain name.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of the Complainant's trademark CORNY at the time it registered the disputed domain name. Several subsections of the website available under the disputed domain name correspond to sub-ranges of the CORNY brand, including, for example, "Haferkraft", "Nussvoll", "Corny Zero", and "Corny Free".

The Respondent is using the disputed domain name in bad faith, by impersonating the Complainant to intentionally attract for commercial gain Internet users to its website and by disrupting the Complainant's business.

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "store", may bear on assessment of the second and third elements, the Panel finds 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 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.

The Complainant has shown that the Respondent posted a website under the disputed domain name purporting to offer muesli bars under the brand CORNY. The Complainant alleges that the Respondent attempts to defraud Internet users by operating a fake shop. In view of the Panel, even if the Respondent were to resell genuine products by the Complainant, the Respondent's use of the disputed domain name would not meet the "Oki Data Test", established on *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), because the website does not disclose the lack of relationship between the Respondent and the Complainant. The Respondent does not use the site to sell only the trademarked goods, but also goods from other manufacturers bearing different trademarks. [WIPO Overview 3.1](#), section 2.8 and [WIPO Overview 3.1](#), section 2.8.

Furthermore, the composition of the disputed domain name itself suggests a connection or implied affiliation between the Complainant and the Respondent, which in fact does not exist. [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.

In the view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and considering that the disputed domain name resolves to a website featuring the Complainant's trademark and products, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark. Moreover, the Respondent appears to have used false address details when registering the disputed domain name, which is also evidence of registration in bad faith.

The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its web site in the sense of Policy, paragraph 4(b)(iv).

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 thus 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 <cornystore.shop> be transferred to the Complainant.

/Simone Huser/

Simone Huser

Sole Panelist

Date: June 24, 2026