

ADMINISTRATIVE PANEL DECISION

TECHAP GmbH v. Kader Boughlam

Case No. D2026-2134

1. The Parties

The Complainant is TECHAP GmbH, Germany, represented by Rothkopf Patent- und Rechtsanwälte, Germany.

The Respondent is Kader Boughlam, France, represented by Fatiha Boughlam.

2. The Domain Name and Registrar

The disputed domain name <techap.com> is registered with Infomaniak Network SA (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 18, 2026. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 June 2, 2026.

On May 28, 2026, the Center informed the parties in French and English, that the language of the registration agreement for the disputed domain name is French. On June 2, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in French and English of the Complaint, and the proceedings commenced on June 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 24, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on June 26, 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.

On July 8, 2026, the Panel issued Administrative Panel Procedural Order No. 1 (the "Panel Order") in which it invited the Complainant to submit evidence of the use and reputation of the TECHAP mark prior to the date of registration of the disputed domain name by July 13, 2026; and invited the Respondent to provide any comments on the Complainant's submission by July 18, 2026. The Decision due date was extended to July 25, 2026. The Complainant submitted documentation in response to the Panel Order on July 10, 2026. The Respondent did not submit any comments.

On July 29, 2026, the Center received an email communication in English from the Respondent's legal representative.

4. Factual Background

The Complainant is a German company founded in 1972 that produces measuring, control, and regulating devices and systems for process engineering, such as chemical vapor locks. It has obtained trademark registrations for TECHAP, including the following:

- German trademark registration number 2014505, registered on May 25, 1992, specifying goods in classes 6, 7, 9, 11, and 20, subsequently renewed and still current;
- European Union trademark registration number 019158916, registered on November 6, 2025, specifying goods in classes 1, 7, 9 and 11 and still current.

The Complainant also uses the domain name <techap.de> in connection with a website available in multiple languages where it provides information about itself and its products.

The Respondent is an individual based in France.

The disputed domain name was registered on March 12, 1999. It does not resolve to any active website; rather, it is passively held.

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 is identical or confusingly similar to its TECHAP trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name holder is not a licensee of the Complainant. The Complainant has not granted any permission for the use of its trademarks. There is no indication of any bona fide or legitimate use of the disputed domain name by the Respondent.

The disputed domain name was registered and is being used in bad faith. The registration was presumably carried out with the intention of benefiting from the reputation and rights of the Complainant or of impairing those rights. At the time of filing the Complaint, the disputed domain name is not accessible.

B. Respondent

The Respondent did not reply to the Complainant's contentions, besides the email communication received from his legal representative, discussed in Section 6.1B below.

6. Discussion and Findings

6.1. Preliminary Issues

A. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is French. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and the amendment to the Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that it is not proficient in French and allowing English to be the language of the proceedings does not prejudice the Respondent as it retains the right to submit its Response in French if preferred.

Despite the Center having sent an email regarding the language of the proceeding, written notification of the Complaint, and the Panel Order, in both French and English, the Respondent did not make any submission with respect to the language of the proceeding. However, the email communication received from the Respondent's legal representative is in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in French, but none was filed.

B. Respondent's Communication

The Respondent's sole communication in this proceeding was an email sent by his legal representative on July 29, 2026, giving notice of her appointment, drawing the Panel's attention to the fact that the Respondent had not had the benefit of legal representation in this proceeding, and requesting that the Respondent be afforded "an effective opportunity to exercise his right to be heard through counsel, in accordance with the applicable Rules and the fundamental requirements of due process".

Paragraph 10(b) of the Rules requires the Panel, in all cases, to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. Paragraph 10(c) of the Rules also requires the Panel to ensure that the administrative proceeding takes place with due expedition.

In accordance with the Rules, paragraph 5, the Respondent was given 20 days to file a Response. He was also given in effect eight days to comment on the Complainant's submission in response to the Panel Order. However, he defaulted and submitted no comment. The email from his legal representative was received over five weeks after the due date for Response and over four weeks after the appointment of the Panel. The email seeks to extend this proceeding further and contains no comment on any substantive issue.

In light of these circumstances, the Panel finds that the Respondent has already been given a fair opportunity to present his case and that granting him further time to make a submission would unduly delay the administrative proceeding. Therefore, the Panel declines the Respondent's request.

The Panel notes that, in accordance with paragraph 4(k) of the Policy, this administrative proceeding shall not prevent either Party from submitting the dispute to a court of competent jurisdiction for independent resolution before this administrative proceeding is commenced or after it is concluded.

6.2. Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

The burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown registered rights in respect of a TECHAP trademark for the purposes of the Policy. The rights in the German registration and the European Union registration were current at the time when the Complaint was filed. See [WIPO Overview 3.1](#), sections 1.1.3 and 1.2.1.

The entirety of the TECHAP mark is reproduced within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the disputed domain name is identical to the Complainant’s TECHAP mark, which creates a high risk of implied association with the Complainant. The Complainant submits that it has not granted any permission for the use of its trademark. The disputed domain name does not currently resolve to any active website. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor that he is making a legitimate noncommercial or fair use of the disputed domain name.

Moreover, the Registrar has confirmed that the Respondent’s name is Kader Boughlam, which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the record, the Panel finds the second element of the Policy has been established.

C. Registered and Used 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. See [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the disputed domain name was registered in 1999, years after the earliest registration of the Complainant’s TECHAP mark. The mark is not a dictionary term, yet the disputed domain name is identical to it, adding only a gTLD extension. The Complainant has submitted evidence showing that it has used its TECHAP mark in commerce, including on quotations and invoices for multiple clients, since at least 1983. There is no other explanation on the record for the Respondent’s choice of the disputed domain name. Accordingly, on the balance of probabilities, the Complainant considers it more likely than not that the Respondent knew, or should have known, of the Complainant and its TECHAP mark when he registered the disputed domain name.

As regards use, prior UDRP 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. See [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant’s trademark, the fact that the disputed domain name is identical to it, and the fact that there is no explanation on the record of any intended good faith use 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.

Therefore, 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 <techap.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: August 4, 2026