ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Leidseplein Presse B.V. v. Cao Thanh Dat
Case No. D2026-2165

1. The Parties

The Complainant is Leidseplein Presse B.V., Netherlands (Kingdom of the), represented by Mandelbaum Silfin LLC, United States of America ("USA").

The Respondent is Cao Thanh Dat, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <acdcmerch.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 19, 2026. On May 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 (Privacy User #64e28324, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 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 29, 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 June 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 24, 2026.

The Center appointed Andrea Jaeger-Lenz as the sole panelist in this matter on July 3, 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 the corporate entity behind the rock band AC/DC. The AC/DC band has been active over the course of the last 50 years, having produced seventeen studio albums, the most recent having been released in 2020. AC/DC's album "Back in Black" has sold an estimated 50 million copies. The AC/DC band is currently in the midst of a world tour and soon to start a series of concerts in the USA, as per Annex 4 to the Complaint. In addition to the music business, the Complainant is engaged in selling merchandise branded with AC/DC, mostly in gothic font with a lightning bolt between the letters AC and DC, the items including clothing, bags, mugs, blankets, and cell phone cases, as per Annex 5 to the Complaint. The Complainant owns numerous trademarks around the world consisting of or containing AC/DC, including the following, as per Annexes 6 and 7 to the Complaint:

- European Union trademark registration no. 007594146 AC/DC (figurative), registered on November 11, 2009, for goods and services in Classes 9, 16, 25 and 41;

- United Kingdom trademark registration no. UK00002019727 AC/DC (figurative), registered on April 26, 1996, for goods and services in Classes 16, 25, 26 and 41;

- USA trademark registration no. 2721830 AC/DC (figurative), registered on June 3, 2003, for goods in Classes 16 and 25.

The Complainant owns the domain name <acdc.com>, which resolves to its official website, the merchandise store located at the website "www.store.acdc.com".

The disputed domain name was registered on November 14, 2023. At the time of filing the Complaint, it resolved to a website including the AC/DC logo in gothic font with lightning bolt in the middle, featuring merchandise items branded with AC/DC, and including the claims "ACDC Merch & Clothing – ACDC Merchandise Store" and "the ACDC Merchandise Store is the OFFICIAL Merchandise Store for ACDC fans", as per Annex 8 to the Complaint.

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 confusingly similar to a trademark in which it owns rights. The Complainant points to numerous trademark registrations for the term AC/DC it owns, mostly in a gothic font with a lightning between the letters AC and DC. These letters, the Complainant argues, are identically included in the disputed domain name. The only addition is the term "merch" which, according to the Complainant, is a clipping of the term "merchandise", and thus descriptive. The Complainant claims that absence of a slash or lightning bolt between the letters AC and DC does not diminish the confusing similarity, given that the band is orally referred to as ACDC, and the Complainant's official website is at the domain name <acdc.com>.

On the second element, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent has no affiliation, authorization or license to use the trademark AC/DC in any form, nor is there any evidence that the Respondent owns any trademark rights in AC/DC or has made any legitimate use of the disputed domain name in connection with a bona fide offering of goods or services prior to the disputed. On the contrary, the Respondent is, so the Complainant argues, selling unauthorized merchandise or imitations of the authorized merchandise of the Complainant via the disputed domain name. The Complainant claims that this is not a legitimate non-commercial use but a knock-off of the Complainant's own merchandise store.

On the third element, the Complainant contends that the disputed domain name was registered and is being used in bad faith. On this, the Complainant points to the disputed domain name having been registered long after the Complainant, or rather its trademark, had become famous. The Complainant finds that registration of a domain name that is confusingly similar to a widely recognized trademark is in itself indicative of bad faith, and that, in the present case the Respondent's use of the disputed domain name, in connection with a merchandise website, demonstrates clear intent to trade on the goodwill associated with the Complainant. The Respondent's use of the disputed domain name creates a likelihood of confusion among consumers and is a classic example of bad faith under Paragraph 4(b)(iv) of the Policy as an attempt to attract users for commercial gain by creating confusion with a trademark holder's mark. According to the Complainant, there is no plausible good faith explanation for the Respondent's choice of the disputed domain name other than to exploit the fame of the Complainant's trademark.

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, "merch", may bear on assessment of the second and third elements, the Panel finds the addition of such term, being an abbreviation of "merchandise", 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.

Panels have held that the use of a domain name for illegitimate activity, here, claimed sale of counterfeit goods on a copycat site 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 accepts the well-known character of the AC/DC trademark of the Complainant and notes that the Respondent has registered the disputed domain name long after the Complainant had started registering its trademark around the world. The disputed domain name has been shown to have been used to resolve to a website mimicking the Complainant's own merchandise store and selling unauthorized AC/DC branded merchandise.

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.

Having reviewed the record, in particular Annex 8 to the Complaint, the Panel finds that by the registration and use of the disputed domain name, the Respondent has clearly intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark, which constitutes bad faith. WIPO Overview 3.1, section 3.1.4. Accordingly, 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 <acdcmerch.com> be transferred to the Complainant.

/Andrea Jaeger-Lenz/
Andrea Jaeger-Lenz
Sole Panelist
Date: July 10, 2026