

ADMINISTRATIVE PANEL DECISION

Wagner Spray Tech Corporation v. claytonb claytonb
Case No. D2026-2225

1. The Parties

Complainant is Wagner Spray Tech Corporation, United States of America ("United States"), represented by Faegre Drinker Biddle & Reath LLP, United States.

Respondent is claytonb claytonb, United States.

2. The Domain Name and Registrar

The disputed domain name <wagnertechspray.com> is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 22, 2026. On May 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on June 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 4, 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 Respondent of the Complaint, and the proceedings commenced on June 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 30, 2026.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on July 8, 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

Complainant, Wagner Spray Tech Corporation, is a United States based provider of surface-coating and paint-application technologies for consumer, professional and industrial markets. Complainant is a wholly owned subsidiary of Wagner Holding, Inc. and an affiliate of J. Wagner GmbH, the owner of the WAGNER trademark discussed below, all of which with Complainant are part of the Wagner Group of companies.

J. Wagner GmbH owns trademark registrations in the United States for the WAGNER mark in connection with the products of the Wagner Group. These include (i) two registrations for WAGNER as a word mark, No. 1,244,083 that issued to registration on July 5, 1993, and No. 7,907,877 that issued to registration on August 19, 2025, and (ii) a logo registration for WAGNER, No. 7,334,754 that issued to registration on March 26, 2024. Complainant asserts it is expressly authorized by J. Wagner GmbH to use the WAGNER mark in connection with its activities in the United States and has the right to file complaints and take all necessary actions to protect the WAGNER mark in the United States.

Complainant also uses the domain name <wagnerspraytech.com> for a website concerning Complainant and its products.

Respondent appears to be based in New York, United States. Respondent registered the disputed domain name on March 23, 2026. At some point thereafter, Respondent began using the disputed domain name for a website that resembles Complainant's website at "www.wagnerspraytech.com" and which purports to sell Complainant's products at steeply discounted prices, at times up to 70% off the listed price. Respondent's website currently remains available at the disputed domain name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant contends that it has rights in the WAGNER mark going back to 1967 in connection with spray machines and through the trademark registrations Complainant's affiliate owns for the WAGNER mark and which Complainant is authorized to use for its activities in the United States.

Complainant maintains that the disputed domain name is confusingly similar to the WAGNER mark as it fully incorporates the WAGNER mark with the non-distinguishing terms "tech" and "spray," terms that directly relate to Complainant's products.

Complainant asserts that Respondent has no rights or legitimate interests in the disputed domain name as Respondent (i) is not commonly known by the disputed domain name, (ii) has not been authorized or licensed by Complainant or its affiliates to use the WAGNER mark or variations thereof, and (iii) is not using the disputed domain name for a legitimate business purpose. In that regard, Complainant notes that Respondent's website impersonates Complainant by prominently including Complainant's exact WAGNER logo and essentially copying Complainant's website to offer Complainant's products at steeply discounted prices.

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith as Respondent clearly was aware of Complainant and its WAGNER mark when it registered the disputed domain name for use with a website that impersonates Complainant to purportedly sell Complainant's products at steeply discounted prices. Complainant further argues that Respondent has used the disputed domain name in bad faith to attract consumers to Respondent's website which mimics Complainant's website and which invites consumers to submit sensitive personal and financial information.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

Here, while the WAGNER mark is owned by Complainant's affiliate J. Wagner GmbH, Complainant has provided evidence that it is an affiliate of J. Wagner GmbH within the broader Wagner Group of companies and asserts to have the necessary authorization to use and enforce rights in the WAGNER mark.

To be sure, a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. WIPO Overview, section 1.4. Thus, for purposes of the first element, Complainant has shown rights in respect of the WAGNER trademark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

Here, the disputed domain name fully incorporates the WAGNER mark. Although the addition of the terms "tech" and "spray" at the tail of the disputed domain name may bear on the assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the disputed domain name and the WAGNER mark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel thus finds that 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 a 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 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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.

Here, the disputed domain name is clearly based on Complainant's WAGNER mark. The website to which the disputed domain name resolves prominently features the WAGNER name and logo at the very top of every page, along with exact duplicates of images within Complainant's website at “www.wagnerspraytech.com”, copies of photographs of Complainant's products, the names and marks used by Complainant for its various products and text that suggests that the website is an official website of Complainant, or at least one authorized by Complainant. While it is not altogether clear whether the products being offered for sale on Respondent's website are actual counterfeits, or this is a website that accepts orders without fulfilling them, what is clear based on the evidence submitted is that Respondent is seeking to pass itself off as connected to Complainant for Respondent's profit. To be sure, because the disputed domain name effectively impersonates Complainant (the disputed domain name is confusingly similar to Complainant's trademark and is also very similar to the Complainant's own domain name), it carries a risk of implied affiliation. WIPO Overview at section 2.5.1. Moreover, using the disputed domain name with a website that prominently features the WAGNER mark with an “About Us” page that mirrors Complainant's own “About Us” page on its website, suggests that Complainant is operating the website at the disputed domain name. As such, it is hard to see how Respondent, who has not appeared in this matter, could have any rights or legitimate interests in the disputed domain name.

Based on the foregoing, 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 view of Respondent's actions, and failure to appear in this proceeding, it is easy to infer that Respondent's registration and use of the disputed domain name that essentially targets Complainant's WAGNER mark and copies Complainant's domain name <wagnerspraytech.com> for a website purporting to sell Complainant's products (and possible counterfeit versions of such) has been done in bad faith and opportunistically for the benefit or profit of Respondent. The disputed domain name essentially impersonates Complainant and was registered well after Complainant and its affiliates had established rights in the WAGNER mark. Indeed, as noted above, Respondent's website prominently features Complainant's logo and mark, images and names for its products, includes text that is directly lifted from Complainant's website, and has an “About Us” page that mimics the “About Us” page on Complainant's website at “www.wagnerspraytech.com”, suggesting the website is operated by Complainant. In all, this is an attempt to pass off Respondent's website as Complainant's or, at least, authorized by or affiliated with Complainant, when such is not the case.

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 <wagnertechspray.com> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: July 17, 2026