

ADMINISTRATIVE PANEL DECISION

Maxon Computer GmbH v. Himesh Darji
Case No. D2026-2768

1. The Parties

The Complainant is Maxon Computer GmbH, Germany, represented by DLA Piper US LLP, United States of America (“United States”).

The Respondent is Himesh Darji, India.

2. The Domain Name and Registrar

The disputed domain name <cinbench.net> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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 (*Withheld for Privacy ehf*) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 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 July 1, 2026.

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 of the Complaint, and the proceedings commenced on July 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2026. The Respondent sent an email communication to the Center on June 25 and July 9, 2026 (referring to an email of July 1, 2026).

The Center appointed Vincent Denoyelle as the sole panelist in this matter on August 17, 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 software company developing and providing software products including the Cinebench software for testing the performance of computer hardware, in particular graphics cards and main processors.

The Complainant owns several CINEBENCH trade marks including the following:

- German trade mark CINEBENCH number 302013001333 registered on April 4, 2013.

The disputed domain name was registered on July 23, 2025, and it does not currently direct to an active website. The disputed domain name used to direct to a website displaying the Complainant's logo and trade mark on the home page, with information on the Complainant's software, links to download the Complainant's software and other commercial links and advertisements to third party websites. The website associated with the disputed domain name also contained under the "Disclaimer" tab of the website a disclaimer stating that there was no affiliation with the Complainant and claiming that the website would benefit from the fair use defense.

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 its CINEBENCH trade mark.

The Complainant asserts that the Respondent has no relationship with the Complainant and no authorization from the Complainant to use its CINEBENCH trade mark or distribute its Cinebench software or otherwise associate itself with the Complainant. The Complainant also contends that to its knowledge, the Respondent is not commonly known by the disputed domain name. The Complainant argues that the Respondent is using the disputed domain name to divert customers from the Complainant's legitimate website, to distribute older versions of pirated Cinebench software and to encourage unsuspecting users to click on suspicious links, to conclude that this cannot constitute a legitimate interest in the disputed domain name. The Complainant points to the links on the website associated with the disputed domain name which it considers to be either links to download illegal copies of the Complainant's software or malvertising, to rebut the Respondent's fair use defense. In any event, the Complainant also highlights the fact that the disputed domain name solely consists (at the second level) of the Complainant's CINEBENCH trade mark which is a greater appropriation of the Complainant's trade mark than is reasonably necessary.

The Complainant submits that its CINEBENCH trade mark significantly predates the registration of the disputed domain name which would thus have been registered in bad faith with full knowledge of the Complainant's trade mark. In terms of bad faith use, the Complainant argues that the disputed domain name is used to make available pirated copies of its Cinebench software and to enable dissemination of adware or malvertising.

B. Respondent

The Respondent did not reply to the Complainant's contentions but sent two informal communications to the Center on June 25 and July 9, 2026 (with reference to an email of July 1, 2026), essentially stating that the Respondent did not wish to contest this matter and that, to resolve it efficiently, and without any admission of liability, he would consent to the transfer of the disputed domain name to the Complainant. While the Center did not seem to have received the email communication of July 1, 2026, that the Respondent is referring to in the email of July 9, 2026, the Panel has decided to proceed noting that the content of the email communication of July 9, which postdates and to some extent may be considered to supersede prior communications, states "[a]s previously communicated to the Center and the Complainant's representatives on July 1, 2026, I do not wish to contest this matter. Without any admission of liability, I reiterate my consent to the transfer of the domain name". In the circumstances, the Panel will proceed to a decision based on the merits of the case.

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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the CINEBENCH trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the CINEBENCH trade 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.

The Panel finds that the content of the website previously associated with the disputed domain name does not support the Respondent's claim that it could rely on the fair use doctrine as the website clearly contained links to third party commercial websites and advertising. In addition, the Complainant has asserted that the website at the disputed domain name would also allow the downloading of unauthorized or pirated copies of its Cinebench software, which the Respondent has not disputed.

In addition, the fact that the disputed domain name is identical to the Complainant's CINEBENCH trade mark clearly goes significantly beyond what would have been permissible had a genuine fair use of the disputed domain name been successfully substantiated (which is not the case).

The Panel considers that the nature of the disputed domain name creates a high risk of implied affiliation, and the disclaimer displayed on the website does not cure such risk nor alters the Panel's conclusion, in the circumstances of this case, as to the lack of rights or legitimate interests of the Respondent or bad faith under the Policy.

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 finds that the Respondent must have registered the disputed domain name in bad faith with full knowledge of the Complainant's trade mark CINEBENCH given (i) that the CINEBENCH trade mark significantly predates the registration of the disputed domain name, (ii) the disputed domain name is identical to the CINEBENCH trade mark and (iii) the use of the disputed domain name to unequivocally target the Complainant and its trade mark.

As for use of the disputed domain name in bad faith, Panels have held that the use of a domain name for illegitimate activity here, claimed offering of unauthorized or pirated copies of the Complainant's software, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

The Panel also incorporates by reference its discussion under the second element concerning the nature of the disputed domain name, the disclaimer on the website, and the Respondent's use of the disputed domain name. In light of those considerations, the Panel also finds that the Respondent registered and used the disputed domain name in bad faith.

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 <cinebench.net> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: September 1, 2026