

ADMINISTRATIVE PANEL DECISION

Action Holding B.V. v. Vaggelis Latsis

Case No. D2026-2840

1. The Parties

The Complainant is Action Holding B.V., Netherlands (Kingdom of the), represented by Novagraaf Nederland B.V., Netherlands (Kingdom of the).

The Respondent is Vaggelis Latsis, Greece.

2. The Domain Name and Registrar

The disputed domain name <action-cz.com> (the “Domain Name”) is registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 30, 2026. On June 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 1, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 1, 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 July 1, 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 July 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 23, 2026.

The Center appointed Ian Lowe as the sole panelist in this matter on July 24, 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 has traded under the ACTION mark for over 30 years. It is a Dutch-based discount store chain that offers a wide range of affordable products, including household items, groceries, beauty products, toys, office supplies, and seasonal items. The Complainant operates more than 2,500 stores across over 12 European countries and employs approximately 65,000 people, generating annual revenues exceeding EUR 11 billion. Furthermore, ACTION has more than 100 shops in the Czech Republic. It operates a website at “www.action.com” promoting and marketing its products.

The Complainant is the proprietor of a number of registered trademarks in respect of ACTION, including Benelux trademark number 615613 stylized word mark ACTION registered on April 1, 1998; European Union Trade Mark number 011510575 word mark ACTION registered on July 2, 2015; and International trademark number 1416222 word and device mark ACTION registered on January 26, 2018.

The Domain Name was registered on April 7, 2026. It resolves to a basic directory listing page with just one entry. However, the Complainant has adduced evidence first, that the Domain Name is configured with active Mail Exchange (MX) records and, second, that business cards have been distributed at trade fairs headed ACTION RETAIL CZECH S.R.O., providing an address in Praha, Czech Republic and an email address using the Domain Name, “[...]@action-cz.com”.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its ACTION trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the 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 Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition (["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.

Ignoring the generic Top-Level Domain ("gTLD") ".com", the Domain Name comprises the entirety of the Mark with the addition of a hyphen and the letters "cz", the ISO country code for the Czech Republic. The Panel finds that the addition of these letters does not prevent a finding of confusing similarity between the Domain Name and the Mark. [WIPO Overview 3.1](#), section 1.8. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, and 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 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. Accordingly, 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.

The Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Panel finds that the Respondent has used the Domain Name not in connection with a bona fide offering of goods or services, but for MX records and email addresses at the Domain Name associated with an organization named as ACTION RETAIL CZECH S.R.O. In view of the notoriety of the Complainant and the ACTION mark throughout Europe and, in particular in the Czech Republic where it has over 100 stores, the Panel accepts on balance that this is intended to represent the Respondent as the Complainant or a Czech subsidiary of the Complainant, amounting to passing off of the Complainant.

UDRP panels have consistently held that the use of a domain name for illegal activity (such as passing off) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.1](#) section 2.13.1.

The Respondent has chosen not to respond to the Complainant or to take any steps to counter the prima facie case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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 light of the nature of the Domain Name, incorporating the entirety of the Mark together with the country code for the Czech Republic, and the use of business cards promoting a company that the Panel considers on balance to be passing off the Complainant, the Panel considers that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The Panel is satisfied that the Respondent has registered and, as set out above, used the Domain Name to pass off as the Complainant or a subsidiary and to deceive Internet users, and potential recipients of emails from addresses at the Domain Name, and the recipients of business cards using those addresses, into believing that the Domain Name is operated or authorized by the Complainant, by creating a likelihood of confusion with the Mark. In the Panel's view, the use of a domain name for such activity, presumably with a view to commercial gain (whether through fraudulent activities or otherwise) amounts to paradigm bad faith registration and use for the purposes of the Policy, paragraph 4(b)(iv).

The Panel finds the third element of the Policy has been established.

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 Domain Name <action-cz.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: August 7, 2026