ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Calibrium AG, C Partners Holding GmbH v. Merjrema Brulic
Case No. D2026-2923

1. The Parties

The Complainants are Calibrium AG and C Partners Holding GmbH, Switzerland, represented by Niederer Kraft & Frey Ltd, Switzerland.

The Respondent is Merjrema Brulic, Germany.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 2, 2026. On July 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 7, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on July 8, 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 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 30, 2026.

The Center appointed Peter Burgstaller as the sole panelist in this matter on August 4, 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 Complainants are Calibrium AG, a joint stock corporation under Swiss Law, and its affiliate C Partners Holding GmbH, a limited liability company under Swiss Law (hereinafter collectively referred to as the "Complainant"). The two entities that form the Complainant belong to the same group and both use the same domain names and trademarks. The Complainant offers financial services.

The Complainant owns and has rights in numerous trademark registrations for the mark CALIBRIUM, in International Class 36 for financial services, inter alia:

- Switzerland trademark registration for CALIBRIUM, Reg No. 696529, registered on December 13, 2016; and

- International trademark registrations for CALIBRIUM (word), Reg No. 1336554, registered on December 13, 2016, and Reg No. 1658583, registered March 25, 2022.

The disputed domain name was registered on June 14, 2026. At the time of filing the Complaint, the disputed domain name redirected to the website "www.calibriumkapital.eu" which prominently displayed the Complainant's mark CALIBRIUM and logo together with the contact details of the Complainant and information about financial aspects. Further, the official excerpt from the commercial register and the official list of authorized managers of collective assets of the Swiss Financial Market Supervisory Authority (FINMA) were available for download from the website redirected by the disputed domain name; moreover, the names of current and former board members and general managers of the Complainant as well as the Complainant's auditor were listed in the legal notice section of this website. Finally, there was also a portrait attributed to be the of the chairperson of the board of the Complainant together with an alleged quote of him, which he has never said, shown on the website to which the disputed domain name redirects. Lastly, the domain name associated with the email address ("[…]@calibriumkapital.eu"), displayed in the contact details at the website redirected by the disputed domain name, does not belong to the Complainant; in fact, this domain name is already subject of an ongoing administrative proceeding under the .eu Alternative Dispute Resolution Rules (Annex 5 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 its multiple registered trademarks for CALIBRIUM. The Complainant also highlights that the CALIBRIUM mark is fanciful and a distinctive identifier associated with the Complainant's financial services. The disputed domain name includes the entirety of the CALIBRIUM mark and only adds the descriptive term "kapital" (German word for "capital") which refers to the Complainant's business. Where a domain name incorporates the entirety of a complainant's trademark, this will be sufficient to establish identical or confusing similarity.

The Complainant further submits that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent does not have any trademark rights to the term "calibriumkapital" or "calibrium". There is also no evidence that the Respondent is commonly known by the term "calibriumkapital". The Respondent has not received any license from the Complainant to use a domain name featuring the CALIBRIUM trademark. The Complainant contends that the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services - on the contrary: The disputed domain name redirects to a website at "www.calibriumkapital.eu" that impersonates the Complainant and its offerings, misleadingly using the Complainant's mark CALIBRIUM and contact details which indicates a targeted and coordinated trademark-abusive pattern of behavior by the Respondent.

Finally, the Complainant alleges that the disputed domain name was registered and is being used in bad faith. The Complainant's CALIBRIUM trademark registrations precede the creation date of the disputed domain name, and the CALIBRIUM mark is distinctive and well known. The disputed domain name is also being used in bad faith. The website to which the disputed domain name redirects obviously impersonates the Complainant and deliberately creates a risk of confusion. The obvious motive for registering and using the disputed domain name is to capitalize on the CALIBRIUM trademark, i.e., to extract a commercial gain. The Respondent has intentionally attempted to attract, for commercial gain, online users by creating a likelihood of confusion with the Complainant and its CALIBRIUM mark and services. The use of the disputed domain name to redirect to a website, featuring the Complainant's trademark, logo and contact details as well as that fraudulently misrepresents facts, gives Internet users a false impression that the site is controlled or authorized by the Complainant. The present case constitutes a malicious case of cybersquatting specifically directed against the Complainant and its CALIBRIUM trademark.

Lastly, the Complainant alleges, that because of the fact that the disputed domain name redirects to a website to which the trademark-abusive domain name <calibriumkapital.eu> resolves, it can be inferred that both the disputed domain name as well as the domain name <calibriumkapital.eu> are under common control by the Respondent. The repeated registration of trademark-abusive domain names by the Respondent on at least two separate occasions, which maliciously targets the Complainant and the CALIBRIUM trademark, further establishes a pattern of abuse within the meaning of the Policy.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

(i) the disputed 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 with respect to 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 Selected UDRP Questions, Third Edition ("WIPO Overview 3.1"), section 1.7.

The Complainant submitted evidence which incontestably and conclusively establishes rights in the mark CALIBRIUM.

In the present case, the disputed domain name is confusingly similar to the CALBIRIUM mark in which the Complainant has rights since that mark remains recognizable within the disputed domain name.

Although the disputed domain name adds the descriptive term “kapital” as suffix, it has long been established under UDRP decisions that adding descriptive terms to a trademark does not prevent a finding of confusing similarity under the first element of the Policy, if the relevant trademark remains recognizable within the disputed domain name. WIPO Overview 3.1, section 1.8; this is the case here: the CALIBRIUM mark of the Complainant is clearly recognizable.

Finally, it has also long been held that generic Top-Level Domains (here “.com”), are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. WIPO Overview 3.1, section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 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, since it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use its trademark in any manner including in a domain name. The Respondent did not formally reply and hence has not rebutted the Complainant’s contentions.

Further, the composition of the disputed domain name, coupled with the use of the disputed domain name to redirect to a website displaying the Complainant’s mark and logo and misleadingly purporting to be either the Complainant or operating an official website under control of the Complainant, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the disputed domain name. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and/ or passing off) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g., *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. D2000-0001), both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain name was registered by the Respondent in bad faith; and

- the disputed domain name is being used by the Respondent in bad faith.

(i) In the present case, the Complainant provided evidence which demonstrates that it has rights and is the owner of the distinctive registered trademark CALIBRIUM, registered and used in many jurisdictions around the world long before the disputed domain name was registered.

It is inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith.
WIPO Overview 3.1, section 3.2.2. This finding is supported by the fact that the disputed domain name incorporates the Complainant's trademark CALIBRIUM entirely and merely adds the descriptive term "kapital", which refers to the Complainant's business and even strengthens this finding.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainant has put forward evidence that the disputed domain name was used by the Respondent to redirect to a website featuring the Complainant's mark CALIBRIUM and logo as well as purported to provide information about financial services and in doing so imitating the Complainant's website and business and giving Internet users the false and misleading impression that the site is controlled or at least authorized by the Complainant.
This clearly shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its mark, which constitutes bad faith use.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent has failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain name further prove that the disputed domain name was registered and is used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, 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 <calibriumkapital.com> be transferred to the Complainant.

/Peter Burgstaller/
Peter Burgstaller
Sole Panelist
Date: August 12, 2026