

ADMINISTRATIVE PANEL DECISION

Enpal B.V. v. Dylan Kelly
Case No. D2026-2929

1. The Parties

The Complainant is Enpal B.V., Germany, represented by Markmonitor Limited, United Kingdom.

The Respondent is Dylan Kelly, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <enpalpro.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 3, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 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 7, 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 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2026.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on August 13, 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 renewable energy company headquartered in Berlin, Germany. Founded in 2017, the Complainant has become a significant participant in the European residential solar energy market and employs approximately 3,000 people.

The Complainant's business is primarily focused on the German market, where it has installed a substantial number of residential rooftop solar systems. The Complainant has also expanded its operations into other European markets, including Italy.

The Complainant offers a range of clean energy products and services, including solar panel systems, battery storage solutions, electric vehicle charging stations, heat pumps, smart meters, and a digital energy management platform. Its services are typically provided as an integrated package combining hardware, software, installation, and ongoing support. The Complainant also offers customers the option to access these systems through a subscription-based rental model.

The Complainant has received several industry awards, including recognition as "Fastest-Growing Energy Company" in 2023, and "Solar Market Leader", "Heating Market Leader", and the "Life and Living" Award in 2024.

The Complainant launched Enpal.pro in 2023 (for which it uses the domain name <enpal.pro>) as a business-to-business platform serving professional installers and trades in the solar, heating, and energy sectors. The platform functions as a digital marketplace and service platform for photovoltaic ("PV") and heating companies, enabling them to source products and services for renewable energy projects.

Through the Enpal.pro platform, partner companies can obtain solar panels, batteries, inverters, heat pumps, and electric vehicle charging stations, with delivery available either to their warehouses or directly to construction sites.

The Complainant is the owner of, inter alia, the following trademark registrations:

- German Trademark Registration No. 302023012929 for ENPAL, registered on October 6, 2023, for goods and services in International Classes 4 and 41;
- International Trademark registration No. 1805547 for ENPAL. (figurative), registered on December 11, 2023, for goods in, inter alia, International Classes 2, 4, 6 and 7;
- International Trademark Registration No. 1799524 for ENPAL, registered on March 5, 2024, for goods and services in International Classes 4 and 41; and
- United States Trademark Registration No. 7574859 for ENPAL, registered on November 26, 2024, for goods and services in International Classes 2, 6, 7, 9, 11, 12, 17, 19, 35, 37, 39, 40 and 42.

The disputed domain name was created on May 4, 2026 and resolves to the commercial website purportedly offering for sale same or similar products as the Complainant under the ENPAL trademark at heavy discount. The website prominently displays the Complainant's ENPAL trademark at the top of its homepage, uses the Complainant's logo as the website favicon and features a copyright notice "© 2026 Enpal [...]".

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.

(1) Identical or Confusingly Similar

The Complainant contends that it owns rights in the ENPAL trademark.

The Complainant further contends that the disputed domain name entirely incorporates the ENPAL trademark, which is clearly recognizable within the disputed domain name, despite the additional term "pro", which does not prevent a finding of confusing similarity between the disputed domain name and the ENPAL trademark of the Complainant.

Addition of the Top-Level Domain ("TLD") shall be viewed as a mere registration requirement.

(2) No Rights or Legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form. There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain name.

There is no evidence of the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain name by the Respondent. Moreover, the disputed domain name and the associated website suggest confusion regarding affiliation of the disputed domain name with the Complainant.

The Complainant contends that the website associated with the disputed domain name falsely presents itself as an official online platform of the Complainant for the promotion and sale of products and services offered under the ENPAL trademark. The disputed domain name wholly incorporates the Complainant's ENPAL trademark together with the non-distinctive term "pro", which is liable to reinforce the misleading impression that the disputed domain name is operated, endorsed, or otherwise affiliated with the Complainant. Internet users are likely to expect that a domain name combining the ENPAL mark with the term "pro" refers to an official or specialized platform of the Complainant. The Complainant submits that the Respondent's use of the disputed domain name creates a false impression of affiliation, sponsorship, or endorsement by the Complainant and increases the likelihood of confusion among Internet users.

The Complainant argues that the Respondent's website is a copycat site.

(3) Registered and Used in Bad Faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant contends that the Respondent could not have been unaware of the ENPAL trademark when it registered the disputed domain name, which is confusingly similar to the Complainant's trademark which has gained a high degree of recognition among the public. Furthermore, the Respondent's actual knowledge of the Complainant and its trademark is clearly demonstrated by the use of the Complainant's ENPAL trademark on the commercial website under the disputed domain name. The Respondent was clearly well aware of the Complainant and its trademark and registered the disputed domain name with such trademark in mind, in order to capitalize on the reputation of the Complainant and its trademark to attract Internet users.

The Complainant further submits that the Respondent registered the disputed domain name with prior knowledge of the Complainant's ENPAL trademark and that the Respondent's purpose was to interfere with the Complainant's business. By diverting Internet users away from the Complainant's official website to its own site for commercial gain, the Respondent has disrupted the Complainant's business in terms of paragraph 4(b)(iii) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

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 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 Panel finds the mark is recognizable 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 term here, “pro”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

The Panel notes that neither license nor authorization appears to have been granted to the Respondent by the Complainant to make any use of the Complainant’s ENPAL trademark, or to apply for registration of the disputed domain name.

The Respondent’s choice of the disputed domain name, which incorporates the Complainant’s ENPAL trademark and the element “pro” which might suggest content related to official Complainant’s business-to-business platform serving professional installers in the solar, heating, and energy sectors, and its use of the trademark in the website’s design, including the copyright notice, and use of the Complainant’s logo as the website favicon, all without disclosing its lack of relationship with the Complainant, demonstrates clear targeting of the Complainant, its trademark, and its business. Consequently, the Respondent’s conduct cannot be regarded as a legitimate noncommercial or fair use of the disputed domain name.

The Complainant demonstrated that the website under the disputed domain name displays the Complainant’s ENPAL trademark, including in the copyright notice, and uses the Complainant’s logo as the website favicon, which shows that the Respondent has attempted to pass off as the Complainant, since the display of the Complainant’s ENPAL trademark and the overall website content mislead Internet users as to the affiliation, source or sponsorship of the services rendered by the Respondent, clearly seeking a commercial gain (see sections 2.5.2. and 2.5.3 of the [WIPO Overview 3.1](#)).

Panels have consistently held that the use of a domain name for illegitimate activity, such as passing oneself off as the complainant, can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.1](#), section 2.13.1. In the present case, the disputed domain name wholly incorporates the Complainant's ENPAL trademark and is used in connection with a website that presents itself as an official platform of the Complainant offering products and services associated with the ENPAL brand. Through the prominent use of the Complainant's trademark and branding, as described above, the Respondent creates the false impression that the website is owned, operated, authorized, or otherwise affiliated with the Complainant. Such conduct constitutes passing off and is inherently deceptive. Accordingly, the Respondent cannot claim any rights or legitimate interests in the disputed domain name arising from such use.

The Respondent's behavior shows a clear intent to obtain unfair commercial gain, with a view to misleadingly divert consumers or to tarnish the trademark owned by the Complainant. The Panel finds that:

- the Respondent is not an authorized distributor or reseller of the ENPAL branded products; and
- the website to which the disputed domain name resolves does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods.

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 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.

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.

In the present case, the disputed domain name wholly incorporates the Complainant's distinctive ENPAL trademark together with the non-distinctive term "pro". The associated website prominently features the Complainant's trademark, including in the copyright notice, and uses the Complainant's logo as the website favicon, and purports to offer products and services corresponding to those of the Complainant, thereby creating the misleading impression that it is an official website of, or otherwise affiliated with, the Complainant. Given the Complainant's established reputation as a leading provider of renewable energy solutions, the Panel finds it implausible that the Respondent was unaware of the Complainant and its rights when registering the disputed domain name. Rather, the circumstances indicate that the Respondent intentionally sought to capitalize on the goodwill attaching to the ENPAL trademark and to attract Internet users by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website. Such conduct is indicative of registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *Inter Ikea Systems B.V. v. Daniel Woodson*, WIPO Case No. [D2011-1933](#); and *Swedish Match North Europe, Philip Morris International, Inc. v. yong lan*, WIPO Case No. [D2025-2641](#).

Under these circumstances, and considering both the composition of the disputed domain name and the content of the Respondent's website, the Panel finds that the Respondent targeted the Complainant and its trademark with opportunistic bad faith in the registration and use of the disputed domain name.

Furthermore, panels have held that the use of a domain name for illegitimate or unlawful activities, such as claimed passing off, constitutes bad faith. Upon review of the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy. The prominent display of the Complainant's trademark on the Respondent's website, including in the copyright notice, and use of the Complainant's logo as the website favicon, combined with the composition of the disputed domain name, and the absence of a disclosure on the lack of relationship with the Complainant, indicate an effort to impersonate the Complainant or one of its subsidiaries or authorized distributors. Such actions constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4.

Therefore, the Panel concludes 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 <enpalpro.shop> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: September 2, 2026