

ADMINISTRATIVE PANEL DECISION

J.J. BALLVE SPORTS, S.L. v. Marco Mendez

Case No. D2026-3129

1. The Parties

The Complainant is J.J. BALLVE SPORTS, S.L., Spain, represented by Ponti & Partners S.L.P, Spain.

The Respondent is Marco Mendez, Spain, self-represented.

2. The Domain Name and Registrar

The disputed domain name <noxpickleball.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2026. On July 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 ("Redacted for privacy")) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 21, 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. On August 17, 2026, the Respondent requested an automatic four calendar day extension to submit the Response, which was provided by the Center. The Response was filed with the Center on August 21, 2026.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on August 31, 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 Spanish company doing business in the field of sports (paddle, pickleball and beach tennis) designing and producing rackets and additional equipment. The Complainant currently distributes its products in eighty countries.

The Complainant holds a portfolio of trademarks for NOX. By way of example at the European Union Intellectual Property Office with registration number 007409535, registered on July 21, 2009, or registration number 013857651, registered on July 6, 2015.

The NOX trademark enjoys a certain degree of recognition because of its promotion and support for sports through the years.

The Complainant's official site is "www.noxsport.com"

The disputed domain name was registered on December 19, 2022, and it has been inactive.

The Complainant contacted through GoDaddy the Respondent who on December 15, 2025 expressed his initial interest in "developing a dedicated pickleball platform targeting both Spanish-speaking and international audiences" but who also expressed an interest in finding out the GoDaddy client's position and budget for the purchase.

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 NOX trademark is fanciful and inherently distinctive. Accordingly, by adding a descriptive term, in this case, "pickleball" to its mark, the disputed domain name is confusingly similar. The Complainant also shows how the NOX trademark has gained recognition through its commercial and training activities, as well as through its support for numerous sportspeople.

The Complainant also alleges that the mere registration of a domain name does not confer rights or legitimate interests. Nor does the Respondent's evasive response amount to a bona fide business plan for the disputed domain name. The disputed domain name is passively held awaiting an offer from the Complainant.

Regarding the third requirement, the Complainant highlights the NOX trademark's well-known value in the field of paddle and pickleball equipment, the lack of any good faith use and the Respondent's concealment of his identity. Further, the Complainant submits that the Panel should apply the passive holding doctrine in this matter for a finding of bad faith.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent alleges to be prepared to submit supporting evidence of his preparations and activities in connection with his project upon request of the Panel.

The Respondent acknowledges ignorance regarding the reproduction of the Complainant's trademark in the disputed domain name since he did not intend to trade on the Complainant's reputation.

Regarding the third requirement of the Policy, the Respondent alleges that he has never tried to sell the disputed domain name or list it publicly. Rather, he was approached by a domain broker between June 2024 and December 2025, with offers escalating from USD 500 to USD 2,300.

Further, the Respondent contends that the Parties may be in direct communication regarding a potential resolution of this matter.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel 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 in respect of the disputed domain name; and
- (iii) the disputed domain name was 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.

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 entirety of the mark is reproduced 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 terms here, "pickleball" 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.

In view of the Respondent's statement that he is "prepared to submit supporting evidence of [his] preparations and activity in connection with this project upon request by the Panel", the Panel has considered whether it was appropriate or not to give the Respondent another opportunity to submit evidence in support of its claim. However, the Panel has determined that it is not appropriate in view of the circumstances of this case.

The Respondent's allegation of demonstrable plans for use of the disputed domain name after more than three years of registration or, the offer to submit them upon request by this Panel, are merely dialectical. The Respondent was given fair opportunity to submit any evidence to show a bona fide offering but decided not to do so.

Even if the Respondent's intentions as claimed were truly to build a project around the sport "pickleball", he does not explain the reason why the Respondent would have selected a domain name that comprises a third-party trademark who commercializes products in this sports field. The nature of the disputed domain name points towards knowledge of the Complainant's trademark, a knowledge that is further supported by the Respondent's allegation that he wanted to develop a website concerning "pickleball", which is a field where the Complainant enjoys a certain degree of recognition.

The Panel also finds that the disputed domain name itself carries a risk of implied affiliation with the Complainant. Even if the Respondent was to use the disputed domain name as claimed for a website about "pickleball", such website would not result on rights or legitimate interests in the disputed domain name for the Respondent under the Policy, noting the nature of the disputed domain name comprising the Complainant's trademark. Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name for UDRP purposes. [WIPO Overview 3.1](#), section 2.5.1.

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

C. Registered and Used 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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel notes the composition of the disputed domain name and reputation of the Complainant's trademark. Therefore, the Panel can infer that the Respondent was aware of the Complainant's trademark when registering the disputed domain name, particularly noting the Respondent's claimed intention "to build a project around the sport itself", and despite the Respondent's claim that he is intention was "not to trade on the Complainant's reputation". Thus, the Panel finds that the Respondent knew or should have known about the Complainant and its trademarks, and that the Respondent targeted the Complainant and its trademarks.

Therefore, the Panel finds that the Respondent registered the disputed domain name in bad faith, and that the passive holding of the disputed domain name does not prevent a finding of bad faith.

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 <noxpickleball.com> be transferred to the Complainant.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: September 11, 2026