

ADMINISTRATIVE PANEL DECISION

Selencia B.V. v. vellux hen
Case No. D2026-3174

1. The Parties

The Complainant is Selencia B.V., Netherlands (Kingdom of the), represented by Poelmann van den Broek N.V., Netherlands (Kingdom of the).

The Respondent is vellux hen, China.

2. The Domain Name and Registrar

The disputed domain name <themoshion.com> 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 20, 2026. On July 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 29, 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 August 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 25, 2026.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on August 27, 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 Selencia B.V. is a Dutch company and owns a number of trademark registrations for the word mark IMOSHION, including European Union Trade Mark No. 018647734 in classes 9, 10, 11, 14 and 25, registered on November 23, 2024; European Union Trade Mark No. 015615289 in classes 9 and 18, registered on November 2, 2016; and International Registration No. 1688935 in classes 9, 10, 11, 14, 45 and registered on May 19, 2022.

The Complainant's official website where it markets its products is at "www.smartphonehoesjes.nl".

The disputed domain name was registered on October 12, 2025 and resolves to a non-functional imitation website that incorporates the Complainant's name and mark, and proprietary material.

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 contains the Complainant's registered trademark IMOSHION in its entirety. The addition of a generic term, here 'the' does not eliminate confusing similarity, the Complainant adds. The dominant and distinctive element is the IMOSHION trademark itself.

The Complainant adds that the website to which the disputed domain name resolves pretends to be its official website, which it is not, and the Complainant never authorized the operation of any such website. The Complainant points out that without any authorization, the said website reproduces its trademark IMOSHION, its product names and product lines, and product images and descriptions that are its property. The Complainant also asserts that the Respondent is not commonly known by the disputed domain name, there is no legitimate noncommercial or fair use as the said website is clearly commercial in nature, and nor does it constitute commentary, criticism, or parody. The Complainant points out that the said website does nothing other than to impersonate it.

Further, the Complainant says that it is inconceivable that the Respondent registered the disputed domain name without knowing of the IMOSHION registered trademark. The Respondent configured the website to which the disputed domain name resolves as an imitation website with unauthorized use of the Complainant's brand assets, and the disputed domain name was registered at a time when the Complainant's mark had been in use since 2016 and was well-known in the Benelux and European Union markets.

In terms of bad faith use, the Complainant again points to the unauthorized inclusion of its brand assets on the website to which the disputed domain name resolves, which is falsely presented as the Complainant's official website. The Complainant asserts that there is no plausible explanation for the use of the disputed domain name other than the parasitic exploitation of the reputation and distinctive character of its IMOSHION trademark. Moreover, the Complainant contends that the Respondent's website provides false contact information, further supporting a finding of bad faith.

B. Respondent

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

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

The IMOSHION trademark of the Complainant is recognizable in the disputed domain name. Although the addition of other terms, here, "the" 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.

Panels have held that the use of a domain name for illegitimate activity, here claimed as the establishment of a copycat site that expressly but falsely claims to be the official website of the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 notes that the Respondent has incorporated the Complainant's distinctive IMOSHION trademark in the disputed domain name with only the unremarkable addition of the word "the". The Respondent registered the disputed domain name at a time when the Complainant's mark had been in use for a number of years and acquired a reputation in Europe. In any case a simple Internet or trademark register search would have revealed the Complainant's trademark rights in the invented term IMOSHION.

Further supporting an inference of bad faith is the fact that the Respondent soon after registration established a corresponding website that can be described as a copycat site. It reproduced proprietary and brand elements belonging to the Complainant, and falsely claimed to be the latter's official website. This supports an inference that the disputed domain name was registered in bad faith and further that it is being used in bad faith. That is because falsely pretending that it is the Complainant's official website, and dressing it up as such, can only serve the purpose of deceiving Internet users and gaining some illegitimate advantage to the Complainant's detriment. Moreover, the provision of fake or false contact information on the Respondent's website further supports 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 <theimoshion.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: September 10, 2026