ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Calibrium AG, C Partners Holding GmbH v. Some One
Case No. D2026-3204

1. The Parties

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

The Respondent is Some One, Germany.

2. The Domain Name and Registrar

The disputed domain name <calibrium.xyz> is registered with Porkbun LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2026. On July 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 17, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on August 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 First Complainant, Calibrium AG, is a company limited by shares incorporated under Swiss law, with its registered office in Zurich, Switzerland. The First Complainant was established in 2006 and has been active in the financial industry.

The Second Complainant, C Partners Holding GmbH, is a limited liability company under Swiss law. The Complainants belong to the same group and both use the same domain names and trade marks.

The Complainants will be referred to collectively as "the Complainant" throughout this Decision, unless the context requires reference to an individual Complainant.

The Second Complainant is the owner of multiple trade mark registrations for CALIBRIUM across numerous jurisdictions, including International Registration No. 1336554 for the CALIBRIUM word mark (registered December 13, 2016), International Registration No. 1348832 for the CALIBRIUM word and device mark (registered March 22, 2017), Swiss Registration No. 696529 for the CALIBRIUM word mark (registered December 13, 2016), and United Kingdom Registration No. UK00801348832 for the CALIBRIUM word and device mark (registered November 10, 2017) (together, the "Trade Mark").

The disputed domain name was registered on November 3, 2022.

The Respondent is apparently located in Germany. The Respondent did not submit a response, and, consequently, little information is known about the Respondent.

As at the date of the Complaint, the disputed domain name resolved to an "Authentication Required" message requiring users to sign in with username and password, but did not resolve to an active website or display any other content.

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 the Trade Mark. The disputed domain name reproduces the Trade Mark in its entirety, with the mere addition of the Top-Level Domain ".xyz". The Top-Level Domain is a standard registration requirement and is to be disregarded under the confusing similarity test.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name resolves to an "Authentication Required" message and does not resolve to an active website. The disputed domain name has been dormant for over three and a half years since its registration, with no evidence of a bona fide offering of goods or services or demonstrable preparations to do so. The Respondent is not commonly known by the disputed domain name and holds no corresponding trade mark registrations. The Respondent is not affiliated with the Complainant and has not been authorised to use the CALIBRIUM trade mark. The disputed domain name reproduces the Trade Mark in its entirety without alteration, falsely implying an affiliation with the Complainant.
- The disputed domain name was registered and is being used in bad faith. The Complainant's rights in the Trade Mark date back to 2016, whereas the disputed domain name was not registered until 2022, well after the Trade Mark was commercially established. CALIBRIUM is a coined or fanciful term with no descriptive meaning, and the Respondent cannot credibly claim to have been unaware of it given the Trade Mark's global reputation in the financial industry. The Complainant relies on the passive holding doctrine,

noting the strong reputation and high distinctiveness of the Trade Mark, its complete reproduction in the disputed domain name, the absence of any evidence of actual or contemplated good faith use, and the Respondent's active steps to conceal its identity through a privacy service.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Trade Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 the composition of the disputed domain name carries a high risk of implied affiliation. WIPO Overview 3.1, section 2.5.1. The Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been commonly known by the disputed 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 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.

The Panel finds that the disputed domain name was registered in bad faith. The disputed domain name, which is identical to the Trade Mark, was registered several years after the Complainant acquired rights in the Trade Mark. In these circumstances, and absent any Response, the Panel finds that the Respondent was more likely than not aware of the Complainant and targeted its Trade Mark when registering the disputed domain name. WIPO Overview 3.1, section 3.2.2.

Panels have found that the non-use of a domain name 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 Trade Mark, the composition of the disputed domain name, and the implausibility of any good faith use to which the disputed domain name may be put 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.

In the circumstances, the use of a privacy service when registering the disputed domain name further supports an inference of bad faith. WIPO Overview 3.1, sections 3.2.1 and 3.6.

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 <calibrium.xyz> be transferred to the Complainant.

/Rebecca Slater/
Rebecca Slater
Sole Panelist
Date: September 3, 2026