

ADMINISTRATIVE PANEL DECISION

Action Holding B.V. v. Venter ate
Case No. D2026-3219

1. The Parties

The Complainant is Action Holding B.V., Netherlands (Kingdom of the), represented by Novagraaf Nederland B.V., Netherlands (Kingdom of the).

The Respondent is Venter ate, United States of America.

2. The Domain Name and Registrar

The disputed domain name <actionnl.top> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 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 22, 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 (Information is privacy protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 23, 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 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 Dietrich Beier 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 Complainant is a Dutch-based discount store chain that offers a wide range of products, including household items, groceries, beauty products, toys, office supplies, and seasonal items. The Complainant operates in several European countries, among them 650 shops in the Netherlands (Kingdom of the) and Belgium. The Complainant has used its trademarks for more than 30 years. The Complainant operates more than 2,500 stores across over 12 European countries generating annual revenues exceeding EUR 11 billion.

The Complainant is the proprietor of several trademarks for ACTION including the European Union Trade Mark word registration (No. 011510575) from July 2, 2015 registered for goods and services in class 16 (amongst others, paper, cardboard and goods made from these materials and not included in other classes), class 21 (amongst others, household or kitchen utensils and containers) and class 35 (amongst others, retail services in the field of consumer products), the mark being in effect, as well as the device mark ACTION, International Registration 1416222 of January 26, 2018 with blue vertical lines before the word element "action", for goods and services in classes 16, 21, and 35 and designated, inter alia, for the European Union, the mark being in effect.

The disputed domain name was registered on February 5, 2026.

The disputed domain name resolves to a website which is active when accessed via mobile devices presenting and offering for sale under the mark ACTION with blue vertical lines before the word element "action" several goods, inter alia, in the field of household goods.

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 incorporates the Complainant's trademark in its entirety. The only variation consists of the addition of descriptive geographical element "nl", which is a reference to the Netherlands (Kingdom of the). This addition does not eliminate the likelihood of confusion between the disputed domain name and the Complainant's trademark.

The Complainant did not in any way consent to the Respondent's registration and use of the disputed domain name. Additionally, the Respondent does not have any connection or affiliation with the Complainant whatsoever nor has he received any license or consent, express or implied, to use the trademark ACTION in the disputed domain name or in any other manner.

The disputed domain name resolves to a website that purportedly offers household goods under the trademark of the Complainant.

The Complainant contends that its trademark is widely known in the European Union and predates the disputed domain name. The Respondent's bad faith is shown by using the Complainant's trademarks and logos on a retail website. This creates a false impression of affiliation with or endorsement by the Complainant, thereby supporting a finding that the domain name has been registered and is being used in 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 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 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. The addition of the Top-Level Domain ".top" at the end or the term "nl" 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](#), sections 1.8 and 1.11.1.

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 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. This is in particular the case since the Complainant did not grant any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no legitimate interests in the disputed domain name since there is no indication that the Respondent is commonly known by the name "actionnl" nor that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The use of the disputed domain name to resolve to a website using a confusingly similar domain name to the Complainant's trademark, the same colour scheme as the Complainant's official site and generally mimicking its look and feel, and purportedly offering similar retail services under the trademark of the Complainant cannot be considered as a bona fide offering of goods or services under the Policy.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Due to the intensive use of the Complainant's marks, being registered for many years in many jurisdictions at the time of the registration of the disputed domain name, and the use to which the disputed domain name has been put, in particular Respondent's use of the ACTION trademark of the Complainant with the blue vertical lines, the Respondent must have been well aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorised the Respondent to make use of its mark.

The Respondent's failure to come forward with any explanation for the registration of the disputed domain name supports the finding that the Respondent targeted the Complainant.

The overall circumstances of this case, in particular the offering of goods under the trademark of the Complainant through a website that uses the same colour scheme as the Complainant's official site and generally mimics its look and feel, indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website, or of a product or service on such website.

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) 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 <actionnl.top> be transferred to the Complainant.

/Dietrich Beier/

Dietrich Beier

Sole Panelist

Date: September 1, 2026