ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Xucker GmbH v. Domain Admin
Case No. D2026-3253

1. The Parties

1.1 The Complainant is Xucker GmbH, Germany, represented by Greyhills Rechtsanwälte Partnerschaftsgesellschaft mbB, Germany.

1.2 The Respondent is Domain Admin, China.

2. The Domain Name and Registrar

2.1 The disputed domain name <xucker.com> (the "Domain Name") is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 23, 2026. At that time, publicly available WhoIs details did not identify the underlying registrant of the Domain Name. On July 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 24, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name. The Center sent an email communication to the Complainant on July 29, 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 30, 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").

3.2 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2026.

3.3 On August 5, 2026, the Respondent sent a brief email to the Center, from an email address using the <domain2026.com> domain name, stating: "I have received your email and will reply as soon as possible". However, no further communication was forthcoming from the Respondent.

3.4 The Center informed the Parties of the commencement of the panel appointment process on August 28, 2026.

3.5 The Center appointed Matthew S. Harris as the sole panelist in this matter on September 2, 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

4.1 The Complainant is a company incorporated in Germany. Since 2010, it has traded under the XUCKER brand in xylitol and erythritol based sugar substitutes and sugar-reduced confectionery and food products. The Complainant was originally named KIWIKAWA GmbH, but changed its name to Xucker GmbH in October 2012. In 2025, the Complainant's turnover exceeded EUR 8.5 million, and it markets more than 100 products, through its own online shop, third-party e-commerce platforms, and pharmacy, drugstore and supermarket channels across Germany and neighbouring countries.

4.2 The Complainant is the owner of various registered trade marks that comprise or incorporate the term XUCKER. They include:

(i) German trade mark no. 302010014924 for XUCKER as a word mark, filed on March 11, 2010, and registered on April 13, 2010, in classes 29 and 30;

(ii) European Union trade mark no. 011049277 for XUCKER as a word mark, filed on July 17, 2012, and registered on October 19, 2014, in classes 1, 29 and 30; and

(iii) International trade mark registration no. 1458343 for XUCKER, registered on January 7, 2019, in classes 1, 29 and 30 and proceeding to registration in respect of at least some of these classes in 11 jurisdictions including the United States of America, the United Kingdom, and China.

4.3 The Complainant has since at least 2011 held and used the Domain Name, with at least in later years using it to redirect Internet users to the Complainant's primary website operating from the domain name <xucker.de>.

4.4 The Complainant's registration of the Domain Name lapsed in around May 2026, and the Domain Name was deleted on May 10, 2026. The Complainant claims to have made unsuccessful attempts to re-register the Domain Name at the point of deletion, but the Domain Name was instead re-registered by the Respondent the following day.

4.5 On May 11, 2026, an email was sent from the same email address as that used apparently by the Respondent in these proceedings to […] @xucker.info, under the subject line "xucker.com – Unused & Ready", stating:

> "We have a premium domain that could enhance your brand's online presence. Interested? Please reply at your earliest convenience."

4.6 The owner of the domain name <xucker.info> at that time was registered in the name of Mr C. W., the founder and, until September 2025, the CEO of the Complainant.

4.7 Since its re-registration, the Domain Name has been used for a webpage, operated through a domain marketplace at "atom.com", on which the Domain Name is advertised as a "Premium Domain" together with a "Make Offer" function inviting purchase enquiries.

5. Parties' Contentions

A. Complainant

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

5.2 In this respect it alleges that XUCKER is a coined term with no dictionary or descriptive meaning that could explain its selection other than by reference to the Complainant. It further contends the case as a "classic drop-catch scenario", in which the Respondent registered the Domain Name immediately upon its deletion following the Complainant's inadvertent lapse, with knowledge of, and with the deliberate purpose of taking advantage of, the Complainant's pre-existing and longstanding use of, and goodwill in, both the Domain Name itself and the XUCKER mark. It places particular reliance on the fact that, on the very day of re-registration, an unsolicited email offering the Domain Name for sale as a "premium domain" was sent to an administrative address within a related domain name historically associated with the Complainant's founder. The Complainant contends that this sequence of events is inconsistent with coincidence and demonstrates deliberate targeting falling within paragraph 4(b)(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 It is generally 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.

6.2 The Complainant has shown that it has rights in registered trade marks for XUCKER. WIPO Overview 3.1, section 1.2.1.

6.3 The Domain Name comprises the term "xucker" combined with the ".com" generic Top-Level Domain ("gTLD"). Accordingly, the entirety of the Complainant's mark is reproduced within the Domain Name, and the Domain Name is at least confusingly similar to the Complainant's mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

6.4 The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests, and Bad Faith Registration and Use

6.5 It is usual for panels under the Policy to consider the issues of rights or legitimate interests, and registration and use in bad faith, in turn. However, in this case it is more convenient to consider those issues together (see WIPO Overview 3.1, section 2.15).

6.6 The reason for this is that the Panel accepts the Complainant's contention that the Respondent opportunistically "drop-catched" the Domain Name when it had lapsed through inadvertence, and that the Domain Name was registered in order to take advantage of its association with the Complainant and the goodwill that the Complainant had built up in the Domain Name itself and in its XUCKER mark, most likely by way of sale back to the Complainant.

6.7 There is no right or legitimate interest in a domain name that has been acquired and held for such a purpose and such activity is positive evidence of a lack of that right and interest. Further, the registration and holding of a domain name for this purpose is registration and use in bad faith. Insofar as the registrant seeks to take advantage of the association with a complainant by offering to sell it back to the Complainant, then that activity also falls within the scope of the example of circumstances evidencing bad faith set out in paragraph 4(b)(i) of the Policy.

6.8 The Panel accepts that the mere re-registration of a domain name shortly after its inadvertent expiry does not, without more, necessarily establish bad faith. Domain names lapse for many reasons, and there is an active secondary market in the registration of newly available domain names, including domain names previously registered and used by a business unconnected with the new registrant. However, there are a number of reasons why the Panel does not accept that this is a case of innocent registration and that instead there has been active targeting of the Complainant in this case.

6.9 First, the term "xucker" has no dictionary or otherwise descriptive meaning. It is a coined term, closely associated with, and long used as, the Complainant's corporate identifier and trade mark. One can perhaps speculate as to why that term might be intriguing and/or attractive to someone for reasons unassociated with the Complainant's mark, but the Respondent has not in these proceedings put forward any positive case to this effect.

6.10 Second, the Domain Name has been extensively used by the Complainant for a number of years. Where a domain name has for many years been actively used by, and closely associated with, a particular trade mark owner, the almost immediate re-registration of that domain name by an unconnected third party calls for particular scrutiny.

6.11 In this respect, the Panel notes that in *Supermac's (Holdings) Limited v. Domain Administrator, DomainMarket.com*, WIPO Case No. D2018-0540 the Panel stated as follows:

> "The Panel emphasizes that critical to its reasoning and its conclusion in this case is that the Respondent acquired the disputed domain name through drop-catching. Registration of a domain name in that circumstance is not the same as "ordinary" registration of a domain name (*i.e.*, registration of a domain name which is not held by another person immediately prior to registration). Where registration occurs through drop-catching, the registrant is objectively aware that another person held the registration immediately prior. This, in effect, puts the registrant on notice that another person (the immediately prior registrant) may have rights in a trade mark to which the domain name is identical or confusingly similar. Where, as in this case, the drop-catching registrant fails to take any steps to determine if such rights exist, then the registrant is taking the risk that such rights do exist. Where such rights do exist, where the value of the domain name derives primarily from those rights, and where the registrant's only meaningful use of the domain name is to offer it for sale, then the registrant is liable to be considered as having registered the domain name primarily for the purpose of selling it to the person who has those rights."

6.12 The analysis in this decision has also been cited with approval in subsequent cases such as *Town of Secaucus, New Jersey v. Martina Zammit, Oring Ltd*, WIPO Case No. D2020-0509.

6.13 However, it is not just a case of the registrant being "on notice that another person (the immediately prior registrant) may have rights". Although different drop catchers adopt various manual and automated techniques in order to identify what domain names are attractive and which they should attempt to acquire, a factor that is likely to make a domain name more attractive is the level of traffic that this domain name has historically attracted. And if that traffic is a function of the prior trade mark use made of any term in the domain name, a registrant cannot on the one hand rely upon this in the selection process and on the other hand deny such knowledge of such trade mark use.

6.14 Of course, what techniques were employed and what motivated a registrant in any particular case to register a dropped domain name will ultimately be within the knowledge of the registrant. Nevertheless, where, as here, there is no obvious explanation of why a domain name was acquired other than by reason of its historic use by and associations with a trade mark owner, it is not unreasonable for a panel to conclude that this was what motivated a respondent in the absence of any explanation to the contrary.

6.15 Lastly, there is the sending of an email to a person associated with the Complainant offering the Domain Name for sale shortly after it was acquired. This evidence is perhaps not as clear cut as at first sight it appears, or the Complainant contends it, to be. The language used in the email is relatively pro-forma, it does not explicitly refer to the Complainant, and there is no real explanation in the Complaint as to why the Respondent must have known that this domain name was associated with the Complainant. For example, it is not alleged that the domain name <xucker.info> was being used to redirect Internet users to the Complainant's website, or otherwise being used in connection with the Complainant's business. Nevertheless, it is conduct that calls for an explanation and once again none is forthcoming. In the absence of that explanation, it is material that supports the Complainant's contention that it is being deliberately targeted in this case.

6.16 In the circumstances, when considered in the round and in the absence of argument or evidence to the contrary the Panel accepts that the Complainant has satisfied the second and third elements of the Policy.

7. Decision

7.1 For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <xucker.com> be transferred to the Complainant.

/Matthew S. Harris/
Matthew S. Harris
Sole Panelist
Date: September 3, 2026