

ADMINISTRATIVE PANEL DECISION

Westinghouse Electric & Manufacturing Company, LLC v. Cynthia Aplin
Case No. D2026-3291

1. The Parties

The Complainant is Westinghouse Electric & Manufacturing Company, LLC, United States of America ("US"), represented by Markmonitor Limited, United Kingdom ("UK").

The Respondent is Cynthia Aplin, US.

2. The Domain Name and Registrar

The disputed domain name <westinghousedirectstore.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 24, 2026. On July 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 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 August 11, 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 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 10, 2026.

The Center appointed Dennis A. Foster as the sole panelist in this matter on September 22, 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 US company that began doing business in 1886 when it was founded by the eponymous George Westinghouse in Pennsylvania, US. At that time, the Complainant specialized in electrical engineering and industrial technology. During the 20th century, the Complainant continued its success in engineering technically complex products such as power generators, but also began to manufacture consumer appliances.

The Complainant's WESTINGHOUSE trademark has now been in use for over 100 years. Some examples of the Complainant's registered WESTINGHOUSE trademarks are as follows.

-UK Registration No.: 00000570694; registration date: August 4, 1936; International class: 11 for environmental control apparatus.

-European Union Intellectual Property Office Registration No.: 002995363; registration date: February 3, 2005; International classes: 7 for machines and engines, 9 for scientific electronic apparatus, 11 for environmental control apparatus, and 14 for jewelry and watches.

-US Registration No.: 299083; registration date: November 22, 1932; International classes 7 per above, 9 per above, 11 per above, 12 for vehicles and transport, and 15 for electric instruments and accessories.

The Complainant's primary website is at "westinghouse.com". In addition, the Complainant is active on social media platforms such as Facebook and YouTube.

The Respondent registered the disputed domain name on June 23, 2026. Using the Complainant's WESTINGHOUSE trademark, the website at the disputed domain name purports to offer for sale products comparable to some of the Complainant's products such as generators, televisions and air conditioners.

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 as follows:

-The oldest example of the Complainant's registered trademark predates the Respondent's registration of the disputed domain name by almost 100years;

-The disputed domain name incorporates the Complainant's WESTINGHOUSE mark in its entirety with the addition of the descriptive terms "direct" and "store" which does not prevent a finding of confusing similarity;

-The Respondent is not commonly known by the disputed domain name;

-The Respondent is not a licensee of the Complainant and does not have the Complainant's authorization to use the Complainant's trademark in the disputed domain name;

- There is no plausible present or future use that would confer rights on the Respondent in the disputed domain name;
- The Respondent's purporting to offer for sale generators, televisions, air conditioners, and solar lighting products under the Complainant's WESTINGHOUSE branding is not a bona fide offering of goods or services;
- The Respondent registered and is using the disputed domain name in bad faith because it created a confusingly similar domain name in an attempt to attract, for commercial gain, Internet users to its website; and
- The Respondent knew or should have known of the Complainant's rights at the time of registration.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i), (ii), and (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant shows that:

The disputed domain name is identical or confusingly similar to a trademark 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.

A. Identical or Confusingly Similar

The first burden of proof for the Complainant is to show that it has trademark rights relevant for bringing these proceedings per Policy paragraph 4(a)(i). In this regard, the Complainant has exhibited registered WESTINGHOUSE trademarks in both the US and foreign jurisdictions. The Panel finds this is proof that the Complainant does have suitable trademark rights to initiate these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.2.1.

The Panel can see that the Respondent has added the terms "direct" and "store" to the Complainant's WESTINGHOUSE trademark in the disputed domain name, but the Panel finds the Complainant's trademark is still clearly recognizable. Ergo, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

The Panel finds, then, that the Complainant has carried its burden of proof under the first element of the Policy at paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant's second burden of proof in these proceedings is to show that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii). In this regard, it is the consensus in UDRP decisions that, owing to the difficulty of proving a negative, it is sufficient in the first instance that the Complainant make out a prima facie case. Then, the burden of evidence production shifts to the Respondent to come forward and show that it does have rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant's prima facie case prevails. [WIPO Overview 3.1](#), section 2.1.

In our present case, the Complainant avers that the Respondent is not licensed or otherwise authorized to use the Complainant's trademark in the disputed domain name nor in any other way. The Complainant also has shown that the Respondent is using the disputed domain name to run a website that purports to sell some of the same goods that the Complainant sells at its own website and under its WESTINGHOUSE mark for almost 100 years. The Complainant contends this is not a bona fide offering of goods or services under the Policy.

The Complainant also contends that the Respondent is not commonly known by the disputed domain name, and is not using the disputed domain name for a fair or noncommercial use.

The Panel finds the Complainant has made out a substantial prima facie case. The Panel also does not see in the record evidence that would allow the Respondent in default to rebut the Complainant's prima facie case as allowed per Policy paragraphs 4(c)(i), (ii), or (iii). In particular, the Panel finds the Respondent's use of the disputed domain name, comprised of the Complainant's WESTINGHOUSE mark, purportedly offering the same goods as the Complainant, does not amount to a bona fide offering of goods or services as allowed under Policy paragraph 4(c)(i), and rather indicates an attempt to pass off as the Complainant or as being authorized by it. [WIPO Overview 3.1](#), section 2.13.1. Also, as the Complainant contends, it is nowhere apparent in the record that the Respondent was ever commonly known as the disputed domain name per Policy paragraph 4(c)(ii), nor that the Respondent has been using the disputed domain name for noncommercial or fair use purposes per Policy paragraph 4(c)(iii).

The Panel thus finds that the Complainant has carried its burden of proof for the second element of the Policy to show that the Respondent does not have rights or legitimate interests in the disputed domain name at Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) lays out four non-exhaustive circumstances in which a panel may find that a respondent has registered and is using a disputed domain name in bad faith. The Panel finds that, as the Complainant contends, the Respondent in the present case has incurred in the conduct described by the Policy paragraph 4(b)(iv) in that it has registered a domain name confusingly similar to the Complainant's trademark for financial gain. The Panel also agrees with the Complainant that the Respondent was likely bound to have known about the Complainant and its almost 100 years of US and international renown when the Respondent chose to register the disputed domain name and to create a website therein.

The Panel thus finds the Respondent's conduct amounts to bad faith as the disputed domain name was used in an attempt to pass itself off as the Complainant or a close affiliate in purporting to sell the Complainant's products at the "Westinghouse direct store" at the disputed domain name's website.

Therefore, the Panel finds that the Complainant has carried its burden of proof to show that the Respondent registered and is using the disputed domain name in bad faith per Policy paragraph 4(a)(iii).

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 <westinghousedirectstore.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: October 5, 2026