

ADMINISTRATIVE PANEL DECISION

Schwartauer Werke GmbH & Co. KG v. PetersLinda
Case No. D2026-3311

1. The Parties

The Complainant is Schwartauer Werke GmbH & Co. KG, Germany, represented by Raffay & Fleck Patentanwälte, Germany.

The Respondent is PetersLinda, United States of America.

2. The Domain Name and Registrar

The disputed domain name <cornystore.com> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 27, 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 which differed from the named Respondent (Unknown / REDACTED FOR PRIVACY) and contact information in the Complaint. 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 29, 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 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 Peter Burgstaller as the sole panelist in this matter on August 28, 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 German based company which produces and sells, among others, muesli bars under the trademark CORNY. The Complainant owns numerous trademark registrations consisting of or containing the mark CORNY in several jurisdictions, including:

- German Trademark Registration CORNY (word), Reg. No. 1009730, registered on October 27, 1980, in International Class 30;
- International Trademark Registration CORNY (word), Reg. No. 646815, registered on October 24, 1995, in International Class 30, designated in numerous jurisdictions; and
- European Union Trademark Registration CORNY (word), Reg. No. 000173179, registered on October 4, 1999, in International Class 30 (Annex 5 to the Complaint).

The disputed domain name was registered on July 10, 2026 (Annex 1 to the Complaint).

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website which contains under “contact us” an invalid telephone number (Annex 2 to the Complaint), displays the Complainant’s trademark (Annexes 6 and 14 to the Complaint) and offers products for sale which are similar to those of the Complainant (Annexes 10 and 11 to the Complaint).

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 registered trademark in which the Complainant has rights: The disputed domain name incorporates the Complainant’s CORNY mark in its entirety, and only differs by the addition of the descriptive term “store” as a suffix.

Moreover, the Respondent has no rights or legitimate interests in respect of the disputed domain name: The Respondent is not commonly known by the disputed domain name, and there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the website addressed by the disputed domain name lacks information on the identity of the domain holder and uses pictures as promotional material originating from the Complainant. Further, the Respondent provided false and invalid data when registering the disputed domain name. The Complainant alleges in this respect, that there is a strong indication that the Respondent is identical to the holder of the domain name <cornystore.shop>, which had been challenged recently in *Schwartauer Werke GmbH & Co. KG v. niu youguo*, WIPO Case No. [D2026-1928](#) and was transferred to the Complainant.

Finally, the disputed domain name was registered and is used in bad faith: The Respondent had knowledge of the Complainant’s trademark CORNY when registering the disputed domain name because of the fame of the CORNY mark - the suffix “store” even supports this fact. Several subsections of the website available under the disputed domain name correspond to sub-ranges of the CORNY brand, including, for example, “Haferkraft”, “Nussvoll”, “Corny Zero”, and “Corny Free”.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 submitted evidence which incontestably and conclusively establishes rights in the mark CORNY.

In the present case, the disputed domain name is confusingly similar to the CORNY mark in which the Complainant has rights since that mark remains recognizable within the disputed domain name.

Although the disputed domain name adds the term "store" as suffix, it has long been established under UDRP decisions that adding other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) to a trademark does not prevent a finding of confusing similarity under the first element of the Policy, if the relevant trademark remains recognizable within the disputed domain name. [WIPO Overview 3.1](#), section 1.8; this is the case here: the CORNY mark of the Complainant is clearly recognizable.

Finally, it has also long been held that generic Top-Level Domains (here ".com") are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. [WIPO Overview 3.1](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 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, since it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use its trademark in any manner including in a domain name. The Respondent did not formally reply and hence has not rebutted the Complainant's contentions.

Further, the composition of the disputed domain name, coupled with the use of the disputed domain name to resolve to a website displaying the Complainant's mark and misleadingly purporting to be either the Complainant or operating an official website under control of the Complainant, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the disputed domain name. Panels have held that the use of a domain name for illegitimate activity (here, especially passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Finally, the evidence in the Complaint revealed invalid/incorrect contact details and no disclaimer at the website accessible through the disputed domain name that disclosed the lack of the Respondent's relationship with the Complainant and the Respondent also offered products for sale which are in competition with the Complainant's products. Therefore, it rather appears that the Respondent has purposely attempted to take unfair advantage of the Complainant's mark and the purported connection with the Complainant. [WIPO Overview 3.1](#), section 2.8; and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g., *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)), both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain name was registered by the Respondent in bad faith; and
- the disputed domain name is being used by the Respondent in bad faith.

(i) In the present case, the Complainant provided evidence which demonstrates that it has rights and is the owner of the distinctive registered trademark CORNY, registered and used in many jurisdictions decades before the disputed domain name was registered.

It is inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith. [WIPO Overview 3.1](#), section 3.2.2. This finding is supported by the fact that the disputed domain name incorporates the Complainant's trademark CORNY entirely and merely adds the descriptive term "store", which even strengthens this finding.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainant has put forward evidence that the disputed domain name was used by the Respondent to address a website featuring the Complainant's mark CORNY as well as to offer products similar to and competing with those of the Complainant at the discounted price and in doing so imitating the Complainant's website and business and giving Internet users the false and misleading impression that the site is controlled or at least authorized by the Complainant.

This clearly shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its mark, which constitutes bad faith use.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent has failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain name further prove that the disputed domain name was registered and is used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, 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 <cornystore.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: September 9, 2026