

ADMINISTRATIVE PANEL DECISION

Hubert Burda Media Holding Kommanditgesellschaft v. Milan Petrović, burda-media.com

Case No. D2026-3336

1. The Parties

The Complainant is Hubert Burda Media Holding Kommanditgesellschaft, Germany, internally represented, Germany.

The Respondent is Milan Petrović, burda-media.com, Germany.

2. The Domain Name and Registrar

The disputed domain name <burda-media.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 28, 2026. On July 28, 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 (Currently unknown) 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 in English to the Complaint on July 29, 2026.

On July 29, 2026, the Center informed the Parties in German and English, that the language of the Registration Agreement for the disputed domain name is German. On July 29, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and German 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. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 26, 2026.

The Center appointed Dietrich Beier as the sole panelist in this matter on August 31, 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 media company being the parent company of one of Germany's leading publishing and media groups. The trademarks BURDA and HUBERT BURDA MEDIA have been extensively used for decades in connection with publishing, media, digital services, and related business activities. In Germany, and internationally, such marks have acquired a significant reputation and distinctiveness among consumers and business partners. Among several further trademarks, the Complainant owns the International Registration 436155 BURDA applied for and registered on February 13, 1978, in class 16 and the European Union trademark 018563077 BURDA in classes 9, 16, 35, 38, 41 applied for on September 22, 2021 and registered on February 15, 2022, both marks being in effect.

The disputed domain name was registered on June 18, 2026, and resolved to a website showing the disputed domain name <burda-media.com> followed by the indication in German "Diese Seite befindet sich im Aufbau. Bitte schau bald wieder vorbei, um auf dem Laufenden zu bleiben." which translates to "This page is currently under construction. Please check back soon to stay up to date."

On June 19, 2026, the Respondent sent an email in German from the email address "[...]@burda-media.com" and under a fake email signature "BURDA Hubert Burda Media Holding" followed by the address of the Complainant, indicating that he is head of Editorial Content of Hubert Burda Media to business partners of the Complainant asking inter alia for press accreditation for the Berlin Fashion week SS27 and transmission of related material such as lookbooks and others. On June 23, 2026, the Respondent sent a follow up email in English.

The Complainant sent a cease and desist letter on July 2, 2026 to the Respondent but did not receive an answer.

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, inter alia, that the disputed domain name is confusingly similar to its earlier well-known trademarks. The addition of the descriptive element "media" does not prevent confusing similarity but even increases it.

Furthermore, the Complainant has found no evidence that the Respondent is known by the disputed domain name. The Complainant has not authorized the Respondent to use the term "burda-media".

With regard to bad faith, the Complainant, inter alia, contends that the Complainant and its trademarks are so widely well-known that the intentional use of the disputed domain name is an indication for the intention to exploit the reputation of the Complainant. The sending of faked emails under the disputed domain name is a use in bad faith.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is German. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement. However, the panel may in accordance with the Rules, paragraph 11 determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English.

The Respondent did not respond at all and accordingly made no specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1).

Against this background, panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include inter alia evidence showing that the respondent can understand the language of the complaint and evidence corresponding in a particular language.

In the current case, the Respondent sent one of his emails in English to business partners of the Complainant. The Respondent was properly informed by the Center in both English and German that he may send comments with regard to the language of the proceedings, but did not do that.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark 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. The further descriptive element "media" does not change the finding of the disputed domain name being confusingly similar to the 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 Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks or any designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name “burda-media” or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

Moreover, the use of an email address associated with the disputed domain name to impersonate the Complainant and request press accreditation and related materials does not constitute a legitimate noncommercial or fair use.

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

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Given that the Complainant’s marks are present and used for decades and the “burda” trademarks are well-known, at least in Germany, UDRP panels have consistently held that, in circumstances such as the present case, the Respondent must have been well aware of the Complainant and its trademarks when registering the disputed domain name. See, inter alia *Carrefour SA v. jean noel ballart*, WIPO Case No. [D2023-2225](#). This view is shared by the present Panel for the present case.

The Complainant has not authorized the Respondent to make use of its marks and to register the disputed domain name. The Panel does not find any conceivable legitimate use that could be made by the Respondent of this disputed domain name on the present record without targeting the Complainant’s trademarks.

The sending of emails from the address associated with the disputed domain name mis-representing the Respondent as an employee of the Complainant is an indication that the Respondent registered and uses the disputed domain name to mislead third parties by creating a false impression of affiliation with or authorization by the Complainant. The timing of the first documented email, one day after registration, further supports the conclusion that the disputed domain name was registered for this deceptive purpose.

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.

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 <burda-media.com> be transferred to the Complainant.

/Dietrich Beier/

Dietrich Beier

Sole Panelist

Date: September 10, 2026