

## **ADMINISTRATIVE PANEL DECISION**

Carrier Vibrating Equipment, Inc. v. Geraldo zilli, Vibrating Equipment Limited  
Case No. D2026-3710

### **1. The Parties**

The Complainant is Carrier Vibrating Equipment, Inc., United States of America ("United States"), represented by Dentons Bingham Greenbaum LLP, United States.

The Respondent is Geraldo zilli, Vibrating Equipment Limited, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <carriervibratingequipment.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 19, 2026. On August 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 26, 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 September 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2026. The Response was filed with the Center on September 4, 2026. The Center also received email communications from the Respondent on August 28 and on September 3 and 4, 2026, and unsolicited supplemental filings on October 2 and 5, 2026.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on October 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**

The Complainant was incorporated in 1983. The Complainant sells a range of custom vibratory processing and industrial equipment and advertises this equipment on a website hosted at its own domain name, <carriervibrating.com>. The Complainant is based in Louisville, Kentucky, United States. New equipment is also manufactured in Europe by Carrier Europe SCA, in China by Carrier Vibrating Equipment (Shanghai) Co. Ltd, and by licensees in Australia, India, Japan, and Sweden.

The Complainant has proven to be the owner of United States trademark registration for CARRIER VIBRATING EQUIPMENT, INC. (word), No. 3,833,813, registered on August 17, 2010, first use in commerce on December 31, 1970.

The Respondent submits that Vibrating Equipment Limited is an active United Kingdom company incorporated in 2018, that its recorded business activity is the manufacture of other special-purpose machinery, and that for years the Respondent and related trading businesses have designed, manufactured, marketed and supplied spiral elevators, vibrating feeders, vibrating screens, vibrating sieves, tube feeders, compaction tables, hopper discharge equipment, vibrator motors, and other bulk-material handling machinery.

The disputed domain name was registered on February 26, 2026. According to the evidence submitted with the Complaint, the disputed domain name redirected to the website at the domain name <spiralelevator.com>, which advertises and sells bespoke vibratory conveying systems. These goods overlap with and compete with those offered by the Complainant and identified in its United States federal registration for the trademark CARRIER VIBRATING EQUIPMENT, INC.

#### **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 only difference between the Complainant's registered trademark and the disputed domain name is the omission of the corporate entity identifier "INC" in the disputed domain name, and that this is not sufficient to prevent the finding of confusing similarity with the Complainant's trademark; and that the Respondent's use of the disputed domain name for a website advertising and selling competing industrial vibratory conveying systems does not give rise to rights or legitimate interests. Instead, this use of the disputed domain name is intended for commercial gain and to misleadingly divert consumers from the Complainant to a competitor of the Complainant and that bad faith registration and use should be found, as the Respondent was aware of the Complainant's trademark and

activities. The Complainant further asserts that by acquiring and using the disputed domain name, which is identical to the Complainant's registered trademark and trade name and similar to the Complainant's own domain name <carriervibrating.com>, the Respondent intentionally attempted and continues to attempt to redirect Internet users seeking the Complainant's website and products to the Respondent's own domain name and website where competing products are offered, which constitutes paradigmatic bad faith registration and use.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

The Respondent has filed numerous communications, some before and others after the assigned deadline for Response.

Regarding the communications filed by the deadline, namely on August 28 and September 3 and 4, 2026, the arguments presented appear to question the authority and/or the legitimacy of the UDRP proceedings and the actors involved, as well as containing data-protection requests and/or collateral allegations.

However, in its submission titled "RESPONSE UNDER RULE 5", filed on September 4, 2026, the Respondent stated that: "This transmission (i.e. "the Response") constitutes the Respondent's substantive Response". In this Response the Respondent proceeded to address the substantive requirements of the Policy. The Panel considers this communication to be the Respondent's substantive Response and has also considered the Respondent's other communications.

In its substantive Response, the Respondent acknowledges that the disputed domain name reproduces the words "carrier vibrating equipment" and omits only the corporate suffix "INC", while adding the generic Top-Level Domain ".com". Consequently, the Respondent does not contest that the Complainant is likely to satisfy paragraph 4(a)(i) of the Policy for standing purposes.

In addition, the Respondent acknowledges that "a same-sector redirect is a serious fact requiring explanation".

In this regard, and with the intention of demonstrating a legitimate interest and/or fair use, the Respondent argues that the registration of the disputed domain name was part of a broader generic, industrial, and product-descriptive portfolio, rather than a targeted attack on the Complainant. This broader portfolio consisted of similar standard machinery terms. Moreover, the Respondent claims that to consolidate business operations, the disputed domain name was simply redirected to the Respondent's primary commercial website <spiralelevator.com> so as to display its own products and contact details in a single location. The Respondent contends that, in the bulk-material handling industry, the phrase "carrier vibrating equipment" was used in its ordinary, descriptive sense, relying on the meaning of "carrier" as an apparatus that conveys material. In support of its claimed descriptive rationale under the second and third elements of the Policy, the Respondent also relies on the disclaimer in the Complainant's United States trademark registration, which states that no claim is made to the exclusive right to use "VIBRATING EQUIPMENT, INC." apart from the mark as shown. The Respondent further challenges the evidentiary weight of certain annexes to the Complaint, contending, among other things, that the archived redirect evidence reflects only one point in time and does not establish when the redirect began, who configured it, the volume of traffic, any actual confusion or commercial gain, or the Respondent's intention at the time of registration. The Respondent emphasizes that the destination website was visibly branded as "Spiral Elevator," displayed the Respondent's own business address, and did not use the Complainant's logo or represent that the website was sponsored, licensed, or endorsed by the Complainant. The Respondent further submits that the record contains no evidence of an identified customer who was confused, a diverted enquiry, a completed sale attributable to the disputed domain name, traffic data, or quantified commercial gain resulting from the redirect.

## **6. Discussion and Findings**

### **6.1 Preliminary Procedural Issue - Admissibility of Supplemental Filings from the Respondent**

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance, foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present their case.

Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel.

In all such cases, panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some unforeseen or exceptional circumstance). WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)) at section 4.6.

The Respondent submitted several unsolicited filings approximately ten days after the Response due date and on or after the appointment of the Panel. Specifically, on October 2 and 5, 2026, the Respondent transmitted four additional communications. Except for the last email, which was addressed to the Registrar and copied to the Center, these submissions confirmed receipt of the Center's notices, disputed aspects of the notification and registrant identification, requested verification and correction of certain case-record particulars, raised additional procedural requests, and/or contested the legitimacy of the proceeding.

In the exercise of its discretion under paragraphs 10 and 12 of the Rules, and noting the particular circumstances of this case, the Panel accepts and has considered all of the Respondent's communications.

The Panel notes that the Respondent received actual notice of the proceeding, filed a timely substantive Response, and submitted numerous additional communications; accordingly, the record does not disclose any material prejudice to the Respondent's opportunity to present its case.

### **6.2. Three Elements**

#### **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 Panel finds the mark is recognizable 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 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 succeeded in rebutting the Complainant’s prima facie showing. Although the Respondent has provided evidence concerning its machinery business and has advanced a descriptive rationale for the disputed domain name, the Panel finds that this material does not establish rights or legitimate interests in the disputed domain name in the circumstances of this case.

The Panel has considered the Respondent’s reliance on the disclaimer of “VIBRATING EQUIPMENT, INC.” in the Complainant’s trademark registration. Such a disclaimer does not negate the Complainant’s rights in the registered mark as a whole, nor does it by itself confer rights or legitimate interests on the Respondent in the disputed domain name. While the disclaimer may be relevant to the Respondent’s claimed descriptive rationale, the Panel must assess that claim in light of the composition and use of the disputed domain name and the circumstances of the case. Notwithstanding the disclaimer, the disputed domain name closely corresponds to the Complainant’s trademark and trade name, differing only by the omission of the term “INC”. In the circumstances of this case, the Respondent’s use of the disputed domain name to redirect Internet users to its website, where products competing with those of the Complainant are advertised and sold, does not constitute a bona fide offering of goods or services and cannot qualify as fair use or establish a legitimate interest.

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

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the Panel notes that the Respondent, which appears to be a competitor of the Complainant, on the balance of probabilities, was likely aware of the Complainant’s trademark registration and rights to the CARRIER VIBRATING EQUIPMENT, INC. trademark when it registered the disputed domain name.

The disputed domain name reproduces the principal textual elements of the Complainant’s registered trademark, omitting only the term “INC”, without any relationship, authorization, or approval by the Complainant.

The Respondent registered the disputed domain name approximately sixteen years after the Complainant registered the trademark CARRIER VIBRATING EQUIPMENT, INC. and over fifty years after that trademark was first used in commerce by the Complainant and its predecessor-in-interest.

Noting also the composition of the disputed domain name, which incorporates the Complainant's trademark with the sole omission of the term "INC", combined with the fact that it is used to redirect to the Respondent's website, where products competing with those of the Complainant are advertised and sold, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's prior rights to the CARRIER VIBRATING EQUIPMENT, INC. trademark. The Panel is therefore satisfied that the Respondent has registered the disputed domain name in bad faith.

Further, by using the disputed domain name, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy. The fact that the destination website displayed the Respondent's own branding does not cure the initial confusion created by the disputed domain name, which was used to attract Internet users to a website offering products competing with those of the Complainant. Furthermore, evidence of actual confusion or quantified gain is not required under paragraph 4(b)(iv) of the Policy where the circumstances establish an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion.

Finally, the Panel notes that, as affirmed by the Respondent itself, "a same-sector redirect is a serious fact requiring explanation". The Respondent's explanation - that the disputed domain name was chosen for its ordinary, descriptive sense, relying on the generic definition of "carrier" as an apparatus that conveys material, as part of a generic, industrial, and product-descriptive portfolio, rather than a targeted attack on the Complainant - is undocumented. Furthermore, this argument fails to hold weight when considering the composition of the disputed domain name - which closely corresponds to the Complainant's trademark, differing only by the omission of "INC" - and the fact that Vibrating Equipment Limited was incorporated in 2018 and operates in the same general field as the Complainant. The trademark disclaimer does not alter this conclusion. While it may be relevant to the descriptive character of "VIBRATING EQUIPMENT, INC." apart from the mark as a whole, it does not explain the Respondent's adoption of the complete phrase "carrier vibrating equipment" in a domain name used to redirect Internet users to a website offering competing products.

Apart from identifying five domain names in its communication of October 5, 2026, the Respondent produced no independent or contemporaneous evidence substantiating the nature, scope, ownership, or acquisition history of the alleged portfolio. In fact, the only indication of other domain names presumably belonging to this portfolio appears in the communication sent on October 5, 2026, by the Respondent to the Registrar and copied to the Center. The Panel — which is not aware of whether these constitute the entirety or just a part of the Respondent's portfolio — notes that, including the disputed domain name, four out of the five domain names cited in this communication are formed by a third-party trademark plus a descriptive/generic term. Furthermore, three of them are the subject of another pending UDRP proceeding filed by a well-known company, which also appears to operate in the same sector as the Respondent. Although not necessary to the Panel's conclusion, the portfolio information provides additional support, on the balance of probabilities, for the inference that the Respondent's choice of the disputed domain name was not coincidental, but intentional.

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 <carriervibratingequipment.com> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: October 16, 2026