

ADMINISTRATIVE PANEL DECISION

K.u.K Hofzuckerbäcker Ch. Demel's Söhne GmbH v. Thomas Rodriguez,
Tanner Aldridge, Conrad Palacios
Case No. D2026-3715

1. The Parties

The Complainant is K.u.K Hofzuckerbäcker Ch. Demel's Söhne GmbH, Austria, represented by Binder Grösswang Rechtsanwälte GmbH, Austria.

The Respondents are Thomas Rodriguez, Tanner Aldridge, and Conrad Palacios, United States of America (or "U.S.").

2. The Domain Names and Registrar

The disputed domain names <demelkitchen.shop>, <demelwienstore.shop>, and <shopdemel.shop> are registered with Dynadot Inc (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 names. On August 22, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 24, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 27, 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 Respondents of the Complaint, and the proceedings commenced on September 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondent's default on September 29, 2026.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on October 5, 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 company founded in 1786 and runs a famous patisserie in Vienna. The Complainant owns trademark registrations for DEMEL such as:

- International trademark registration No. 982183 (for DEMEL K.u.K. Hofzuckerbäcker WIEN), registered on May 6, 2008;
- International trademark registration No. 331439, registered on January 5, 1967; and
- Austrian trademark registration No. 58637, registered on December 22, 1966.

The disputed domain name <demelwienstore.shop> was registered on April 10, 2026. The disputed domain name <shopdemel.shop> was registered on May 20, 2026. The disputed domain name <demelkitchen.shop> was registered on May 20, 2026. All disputed domain names resolve to websites that purport to offer the Complainant's products and display the Complainant's trademark and its product images.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's trademark. The distinctive component of all disputed domain names is the Complainant's trademark. The terms "shop", "kitchen", and "store" are descriptive. The word "wien" is the German name for Vienna, where the Complainant is located. These words do not prevent a finding of confusing similarity.

The Complainant contends that the Respondents have no rights or legitimate interests in the disputed domain names. The Respondents are not commonly known under the name DEMEL. The disputed domain names are not being used in connection with a bona fide offering of goods or services.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. The Complainant started operating and registered its trademark long before the creation of the disputed domain names. The Respondents are operating web shops under the disputed domain names for ordering goods identical to those of the Complainant. These websites are using images and logos which are identical to those used by the Complainant and pretend to represent the Complainant's business. The Complainant's trademark is widely known. The information provided on the Respondents' websites is consistent with the Complainant's company history. The Respondents are intentionally attracting Internet users to the websites because of the confusing similarity of the disputed domain names to the Complainant's trademarks.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

As regards common control, the Panel notes that: 1) The names of the registrants are mere pseudonyms; 2) Two of the disputed domain names were registered on the same day, and the third was registered only a month earlier; 3) All of the disputed domain names were registered with the generic Top-Level Domain ("gTLD") ".shop"; 4) All of the disputed domain names use the Complainant's trademark together with words that describe the website as an online patisserie; 5) All of the disputed domain names resolve to websites whose content is in the same language, display the same product images and have the same layout; 6) The registrants are all based in the U.S.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 names. [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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "kitchen", "store", "shop" and "wien" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity here, claimed, passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

In the present case, the Panel notes that the disputed domain names were registered some decades after the registration of the Complainant’s trademark and resolve to websites purporting to offer the Complainant’s products. Further, these websites display the Complainant’s trademark and its product images. Therefore, the Panel finds that the Respondent knew of the Complainant at the time of registration of the disputed domain names.

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.

Panels have held that the use of a domain name for illegitimate activity here, claimed, passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitutes bad faith under 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 names <demelkitchen.shop>, <demelwienstore.shop> and <shopdemel.shop> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: October 12, 2026