

ADMINISTRATIVE PANEL DECISION

Wagner Spray Tech Corporation v. Anthony Wilson
Case No. D2026-3740

1. The Parties

Complainant is Wagner Spray Tech Corporation, United States of America (“United States” or “U.S.”), represented by Faegre Drinker Biddle & Reath LLP, United States.

Respondent is Anthony Wilson, United States.

2. The Domain Name and Registrar

The disputed domain name <wagwood.shop> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 20, 2026. On August 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 22, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on August 24, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 26, 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 Respondent of the Complaint, and the proceedings commenced on August 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 16, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on September 18, 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

Complainant is a United States-based provider of surface-coating and paint-application technologies, including sprayers, applicators, and related equipment, for consumer, professional, and industrial markets. Complainant is a wholly owned subsidiary of Wagner Holding, Inc. and an affiliate of J. Wagner GmbH, the owner of the WAGNER trademark discussed below, all of which, together with Complainant, are part of the Wagner Group of companies. Complainant's business traces its history to 1947, and Complainant's rights in the WAGNER trademark date back to as early as September 11, 1967, when Complainant's affiliate began using the mark in United States commerce in connection with spray machines.

Relevant to this matter, J. Wagner GmbH owns trademark registrations in the United States for the WAGNER mark in connection with the products of the Wagner Group, including:

- WAGNER, U.S. Reg. No. 1,244,083, registered July 5, 1983, in Classes 3, 7, and 20;
 - WAGNER, U.S. Reg. No. 7,334,754, registered March 26, 2024, in Classes 3, 7, 8, 9, and 21; and
 - WAGNER, U.S. Reg. No. 7,907,877, registered August 19, 2025, in Class 7.
- (Collectively, these registered trademark rights are referred to as the "WAGNER Mark").

Complainant is expressly authorized by J. Wagner GmbH to use the WAGNER Mark in connection with its activities in the United States and to file complaints and take all necessary actions to protect the WAGNER Mark in the United States. Complainant also operates a website concerning Complainant and its products at the domain name <wagnerspraytech.com>, which was registered on April 23, 1996.

Respondent is Anthony Wilson, reportedly located in New York, United States. The registrant information initially disclosed for the Domain Name was subject to a privacy service, Super Privacy Service LTD c/o Dynadot. The Domain Name was registered on July 24, 2026. The Domain Name resolves to a website that mimics Complainant's official website at "www.wagnerspraytech.com", prominently displays the WAGNER word mark and WAGNER logo, and purports to offer Complainant's products at steeply discounted prices. The website bears the copyright notice "© 2026 Wagner SprayTech. All rights reserved" and the email address "[...@wagnerspraytech.com]", which is associated with Complainant's authentic domain name, and it presents a checkout process that invites Internet users to submit their names, addresses, and credit card information.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element, Complainant contends that the Domain Name is confusingly similar to the WAGNER Mark because it incorporates a truncated version of the WAGNER Mark (the letters "wag") together with the descriptive term "wood", which corresponds to the wood surfaces on which Complainant's products are often used, and the generic Top-Level Domain ("gTLD") ".shop", and because the content of the website to which the Domain Name resolves, which prominently displays the WAGNER Mark and purports to offer Complainant's products, confirms that the Domain Name targets Complainant.

With respect to the second element, Complainant contends that Respondent has no rights or legitimate interests in the Domain Name. Complainant states that Respondent is not commonly known by the Domain Name, has not been authorized or licensed by Complainant or any Wagner Group affiliate to use the WAGNER Mark, and is not an authorized distributor or reseller. Complainant argues that Respondent's operation of a copycat website that impersonates Complainant, reproduces Complainant's trademarks and copyrighted materials, offers Complainant's products at suspiciously low prices, and invites consumers to submit sensitive personal and financial information cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use, and does not satisfy the requirements of the Oki Data test.

With respect to the third element, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant asserts that, given Complainant's longstanding and widespread use and registration of the WAGNER Mark, Respondent knew of the WAGNER Mark when it registered the Domain Name, and that Respondent has intentionally attempted to attract, for commercial gain, Internet users to a website that impersonates Complainant by creating a likelihood of confusion with the WAGNER Mark, in order to deceive consumers and to collect their personal and financial information.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

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

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

Although the WAGNER Mark is owned by Complainant's affiliate J. Wagner GmbH, Complainant has provided evidence that it is an affiliate of J. Wagner GmbH within the broader Wagner Group of companies and that it is authorized to use and enforce the WAGNER Mark. A trademark owner's affiliate, such as a subsidiary of a parent or holding company, is considered to have rights in a trademark under the UDRP for

purposes of standing to file a complaint. [WIPO Overview 3.1](#), section 1.4.1. Complainant has shown rights in respect of the WAGNER Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

Complainant has thus shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that the Domain Name is confusingly similar to the WAGNER Mark. [WIPO Overview 3.1](#), section 1.7. While the content of the website associated with a domain name is ordinarily disregarded under the first element, panels have taken note of such content to affirm confusing similarity where it appears that the respondent seeks to target the complainant's trademark through the domain name. [WIPO Overview 3.1](#), section 1.15. This is such a case. The Domain Name resolves to a website that prominently displays the WAGNER word trademark and WAGNER logo, copies the look and feel of Complainant's official website at "www.wagnerspraytech.com", and purports to offer Complainant's own products. Such website content confirms that Respondent selected the Domain Name to be affiliated or related to the WAGNER Mark, and that this is a copycat case, which affirms the confusing similarity between the Domain Name and the WAGNER Mark. The Domain Name reproduces the initial portion of the WAGNER Mark (the letters "wag") in a shortened form, together with the descriptive term "wood" and the ".shop" gTLD. See, e.g., *Eli Lilly and Company v. Priscila Santana*, WIPO Case No. [D2024-4480](#) ("The first half of the mark ('moun') is reproduced in the disputed domain name and the second half of the mark is substituted by the geographical term 'brazil'. The Panel finds the main distinctive part of the mark is recognizable within the disputed domain name.").

Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which Complainant has rights. 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 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 a respondent lacks rights or legitimate interests may require information 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 shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1. See also *Vicar Operating, Inc. v. Domains by Proxy, Inc. / Eklin Bot Systems, Inc.*, WIPO Case No. [D2010-1141](#).

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Complainant has not licensed or otherwise authorized Respondent to use the WAGNER Mark or to register domain names incorporating the WAGNER Mark, and there is no evidence that Respondent has been commonly known by the Domain Name. The name of Respondent in the record, "Anthony Wilson", bears no connection to the Domain Name.

Respondent's operation of a website offering Complainant's branded products does not give rise to a bona fide offering under the Oki Data test. Resellers, distributors, or service providers using a domain name containing a complainant's trademark to sell the complainant's goods may in some circumstances be making a bona fide offering, but only where the cumulative requirements of that test are met: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark. [WIPO Overview 3.1](#), section 2.8.1; *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The Oki Data test is not satisfied here. Respondent is not an authorized reseller or distributor of Complainant, and it is far from clear that Respondent actually offers the products for sale, as the steeply discounted prices and the checkout process soliciting sensitive personal and financial information strongly suggest that the website is a fake storefront designed to phish for consumer data rather than to fulfill orders. The website does not accurately and prominently disclose Respondent's relationship (or lack thereof) with Complainant; to the contrary, it affirmatively misrepresents such a relationship by displaying the WAGNER Mark and logo, reproducing Complainant's copyrighted materials, and bearing Complainant's own copyright notice and an email address associated with Complainant's domain name, all without any disclaimer. Respondent's use therefore fails the Oki Data test.

Instead, the record demonstrates that Respondent has used the Domain Name to pass off as Complainant. The website to which the Domain Name resolves is a copycat of Complainant's official website that prominently features the WAGNER Mark and logo, reproduces Complainant's product images and marketing content, and holds itself out as Complainant, thereby misleading Internet users into believing that the website is operated by, affiliated with, or authorized by Complainant when it is not. The website at the Domain Name effectively impersonates Complainant. Such passing off is inconsistent with a bona fide offering of goods or services and constitutes clear evidence of an intent to capitalize on Complainant's reputation. Panels have consistently held that impersonation of a complainant through a domain name and associated website, and the use of a domain name for illegal activity such as, passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1; see *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. [D2021-1714](#) ("a [disputed domain name's] use cannot be deemed bona fide if the disputed domain names constitute trademark infringement"), citing *Sai Machine Tools Private Limited v. Mr. Sudhir Jaiswal, Shree Sai Extrusion Technik Pvt. Ltd*, WIPO Case No. [D2018-2560](#).

Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy¹ or otherwise.

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

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no rights or legitimate interests. As detailed above, the WAGNER Mark is distinctive and was registered and used in commerce for decades before Respondent registered the Domain Name on July 24, 2026. The Domain Name incorporates a recognizable, truncated portion of the WAGNER Mark together with a term which corresponds to the wood surfaces on which Complainant's products are often used, and it resolves to a website that copies Complainant's official website and purports to offer Complainant's own WAGNER-branded products. In these circumstances, there is no plausible explanation for Respondent's registration of the Domain Name other than to trade off the goodwill and reputation of the WAGNER Mark, and the Panel finds that Respondent registered the Domain Name with Complainant's mark firmly in mind and with the intention of

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

exploiting it. [WIPO Overview 3.1](#), section 3.2.2.

With respect to use, the Panel finds that Respondent has, by using the Domain Name, intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the WAGNER Mark as to the source, sponsorship, affiliation, or endorsement of the website and the products purportedly offered on it. This constitutes bad faith under paragraph 4(b)(iv) of the Policy. See *MathForum.com, LLC v. Weiguang Huang*, WIPO Case No. [D2000-0743](#) (finding bad faith under paragraph 4(b)(iv) of the Policy where the respondent registered a domain name confusingly similar to the complainant's mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark).

Respondent's website at the Domain Name reproduces Complainant's WAGNER Mark, logo, product imagery, and marketing materials, holds itself out as Complainant, and presents a checkout process that solicits consumers' personal and financial information. This is conduct that is consistent with passing off, and potential phishing, and that reinforces the finding of bad faith. The Panel further accepts Complainant's contention that, by intercepting and diverting Internet users searching for Complainant's WAGNER-branded products away from Complainant's authentic website, Respondent has disrupted Complainant's business.

The Panel's finding of bad faith is further reinforced by the record concerning Respondent's contact information. The registrant of the Domain Name initially shielded its identity behind a privacy service, and false or unreliable contact information appears to have been used by Respondent: the website to which the Domain Name resolves provides no genuine identifying information for Respondent and instead falsely displays Complainant's own copyright notice and an email address associated with Complainant's domain name. The provision of false or unreliable contact information, and the apparent use of a privacy service to conceal the registrant's identity in connection with a trademark-abusive website, are indicia of bad faith and weigh in favor of a bad faith determination. [WIPO Overview 3.1](#), section 3.6.

Finally, and significantly, Respondent failed to respond to the Complaint and has offered no explanation that might support a good-faith registration or use of the Domain Name. Taken together, and in the absence of any Response, the totality of the circumstances demonstrates that Respondent both registered and is using the Domain Name in bad faith.

For these reasons, the Panel holds that Complainant has met its burden of showing that Respondent registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name, <wagwood.shop>, be transferred to Complainant.

/John C. McElwaine/

John C. McElwaine

Sole Panelist

Date: October 2, 2026