

## **ADMINISTRATIVE PANEL DECISION**

Volvo Trademark Holding Aktiebolag v. Clements Yati  
Case No. D2026-3771

### **1. The Parties**

The Complainant is Volvo Trademark Holding Aktiebolag, Sweden, represented by Zacco Sweden AB, Sweden.

The Respondent is Clements Yati, Hong Kong, China.

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

The disputed domain name <volvocarsmx.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 24, 2026. On August 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 24, 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 (“Redacted for Privacy”) 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 amendment to the Complaint on August 25, 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 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2026.

The Center appointed Olga Zalomiy 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**

The Complainant is a holding company jointly owned by AB Volvo and Volvo Car AB, both of which use the Complainant's VOLVO trademark in connection with cars, trucks, buses, construction equipment and other products and services. The Complainant owns numerous registered rights in the VOLVO trademark, such as:

- Swedish registration No. 33149, registered on November 29, 1927, for the VOLVO (figurative) mark.
- Swedish registration No. 78133, registered on April 29, 1955, for the VOLVO (word) mark.
- United States of America registration No. 636129, registered on October 23, 1956, for the VOLVO (word) mark.
- Irish registration No. 219597, registered on August 23, 2000, for the VOLVOCARS mark.

The VOLVO trademarks have been found famous and universally renowned by prior panels<sup>1</sup> and by various reports on famous or valuable brands.

On August 7, 2026, the Complainant sent a request for assistance to the Registrar and an abuse report to Cloudflare, Inc, the provider of the DNS service through which the disputed domain name redirects traffic. The report stated that the disputed domain name was registered without authorization and was being used to redirect users to a pornographic website. Cloudflare responded that it forwarded the report to the website owner and to the relevant hosting provider.

The disputed domain name was registered on July 26, 2026. The disputed domain name redirects users to a different domain name connected to a website featuring pornographic content.

#### **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 Complainant's trademark because it incorporates the Complainant's trademark VOLVO in its entirety. The Complainant argues that the addition of the descriptive element "cars" and the geographical element "mx" does not prevent the finding of confusing similarity. The Complainant asserts that the addition of the generic Top-Level Domain ".com" is irrelevant when determining confusing similarity under the first element.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name because the Complainant did not grant the Respondent a license, authorization, or permission to use the Complainant's VOLVO or VOLVO CARS trademarks or to register the disputed domain name incorporating them. The Complainant asserts that the Respondent does not have any trademark or trade name rights in the disputed domain name. The Complainant alleges that the Respondent is not an authorized representative of the Complainant's products or services and has never had a business relationship with the Complainant. The Complainant argues that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial

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<sup>1</sup> *Volvo Trademark Holding AB v. Unasi, Inc.*, WIPO Case no. [D2005-0556](#); *Volvo Trademark Holding AB v. Cup International Limited*, WIPO Case no. [D2000-0338](#), as well as other decisions.

or fair use because the Respondent likely chose the disputed domain name containing the Complainant's famous mark to redirect traffic to a website with pornographic content. Because the website associated with the disputed domain name contains advertisements and sponsored links, it is being used for a commercial purpose to capitalize on the goodwill of the Complainant and its marks, which does not qualify as a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Complainant contends that the Respondent registered the disputed domain name in bad faith for several reasons. First, it is likely that the Respondent knew about the Complainant's trademark at the time of the disputed domain name registration because the Complainant's trademark registration predates the registration of the disputed domain by nearly a century. Given the widespread use and recognition of the Complainant's trademark, the Respondent must have been aware of the mark. In the Complainant's view, use of its trademark in a disputed domain name to redirect Internet users to a website featuring pornographic content is evidence of bad faith registration and use of the disputed domain name. In addition, the Complainant claims that mere registration of the disputed domain name that is confusingly similar to its famous trademark creates a presumption of bad faith. The Complainant contends that it sent a trademark infringement notice to the Registrar and to a pass-through hosting provider, which confirmed that the notice was forwarded to the Respondent and to the underlying hosting provider, but the Respondent did not respond to the notice. In the Complainant's view the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which amounts to bad faith registration and use.

## **B. Respondent**

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

## **6. Discussion and Findings**

Pursuant to paragraph 4(a) of the Policy, to succeed in these proceedings, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (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 in respect of 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 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. 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 inclusion of the generic Top-Level Domain ".com" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.1](#), section 1.11.1.

Although the addition of other terms here, “cars” and “mx”, 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 name 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.

The evidence on file shows that the Complainant has not licensed or permitted the Respondent to use the Complainant’s VOLVO trademark in the disputed domain name, or for any other purpose. There is no evidence that the Respondent has ever been commonly known by the disputed domain name. There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services because the disputed domain name is used by the Respondent to redirect Internet users to a different domain name associated with a website that displays pornographic content.

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 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 Respondent registered the disputed domain name, which contains the entirety of the Complainant’s trademark, almost a century after the Complainant’s first trademark registration. In light of the Panel’s findings under the second element, the reputation of the Complainant’s famous trademark, and the use of the disputed domain name to direct Internet users to a website featuring pornographic content, the Panel concludes that the Respondent registered the disputed domain name to capitalize on the goodwill associated with the Complainant’s trademark. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The Respondent is using the disputed domain name to redirect Internet users to a website under a different domain name that displays pornographic videos. Given the fame of the Complainant’s trademark and the absence of any relationship between the parties, the Panel finds that the Respondent is using the disputed

domain name to intentionally attract, for commercial gain, Internet users to the website to which the disputed domain name redirects, by creating likelihood of confusion with the Complainant's mark. Although the record does not show advertising on the website associated with the disputed domain name, the Panel finds it more likely than not that the Respondent derives some commercial benefit from diverting Internet traffic in this way. In any event, the Panel cannot conceive any good faith use of the disputed domain name reproducing the Complainant's famous mark to redirect Internet users to pornographic website. See *Red Bull GmbH v. Whois Agent, Domain Protection Services, Inc. / esco escortlar, escort sitesi*, WIPO Case No. [D2017-1639](#) (finding the respondent's use of the domain for a pornographic website constituted "a strong indication of bad faith registration and use," because it showed respondent's main purpose was "to create a likelihood of confusion among customers and/or to tarnish the Complainant's RED BULL trademark for commercial gain or any other illegitimate benefit"); *Bank of Jerusalem Ltd. v. Shek Cheung Chung*, WIPO Case No. [D2017-1153](#) (finding bad faith where the domain name resolved to a website offering adult content, from which the respondent was likely receiving commercial gain).

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.

The Respondent's failure to submit a response or provide any evidence of good faith registration and use further supports a finding that the disputed domain name was registered and is being used in bad faith.

Taken together, the Panel finds the Respondent registered and is using the disputed domain name in bad faith.

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 <volvocarsmx.com> be transferred to the Complainant.

/Olga Zalomiy/

**Olga Zalomiy**

Sole Panelist

Date: September 28, 2026