ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Toolport GmbH v. Yue Yang, and 郭田田 (Guo Tiantian)
Case No. D2026-3952

1. The Parties

The Complainant is Toolport GmbH, Germany, represented by Arnecke Sibeth Dabelstein PartGmbB, Germany.

The Respondents are Yue Yang, China; and 郭田田 (Guo Tiantian), China.

2. The Domain Names and Registrars

The disputed domain names <toolportes.com> and <toolportit.com> are registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn), and the disputed domain name <toolportfr.com> is registered with NameCheap, Inc. (the "Registrars").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 7, 2026. On September 7, 2026, the Center transmitted by email to the Registrars the request for registrar verification in connection with the disputed domain names. On September 8, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrants and contact information for the disputed domain names which differed from the named Respondent (Privacy service provided by WITHHELD FOR PRIVACY LLC, The RDAP server redacted the value) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 9, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, 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 in English on September 14, 2026.

On September 9, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names <toolportes.com> and <toolportit.com> is Chinese. On September 14, 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 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 in Chinese and English of the Complaint, and the proceedings commenced on September 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 9, 2026.

The Center appointed Tao Sun as the sole panelist in this matter on October 16, 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 organized under the law of Germany. It has traded under the TOOLPORT mark for many years and is the world's leading supplier of tents, marquees, party tents, gazebos, pergolas, storage tents and related outdoor structures. It operates country-specific online shops for a number of European markets, including shops directed at consumers in France, Italy and Spain.

The Complainant owns, among others, the following registered trademarks:

(i) The European Union registration No. 018098862 TOOLPORT in international classes 6, 11, 19, 20, 22, 35 and 43, registered on December 7, 2019; and

(ii) The European Union registration No. 017865150 TOOLPORT (stylized) in international classes 3, 6, 11, 19, 20, 22, 35, 39 and 43, registered on June 27, 2018.

The disputed domain names <toolportes.com> and <toolportit.com> were registered on November 26, 2025 by the Respondent 郭田田, and the disputed domain name <toolportfr.com> is registered on Aug. 27, 2024 by the Respondent Yue Yang. The ICANN lookup records show that all three disputed domain names are resolved through Cloudflare name servers. The disputed domain names are resolved to three websites displaying the contents promoting TOOLPORT branded products with the languages of Spanish, Italian and French respectively.

On the website associated with the disputed domain name <toolportfr.com>, the contact section states as its postal address the Complainant's registered business address in German, and its footers links to the Complainant's genuine corporate social profiles at Facebook, Instagram, Xing and Linkedin. The website also purportedly displays TOOLPORT products under their product designations, each with a button "Acheter sur Amazon" linking to the corresponding listing on "amazon.fr", operates a shopping-cart function and displays payment-method icons.

On both websites associated with the disputed domain names <toolportes.com> and <toolportit.com>, the Complainant's stylized TOOLPORT trademark is prominently displayed. Both websites purportedly display TOOLPORT products under their product designations. There are also buttons "Acquista su Amazon" on the website associated with the disputed domain name <toolportit.com> linking to "Amazon.it".

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:

(i) The disputed domain names are confusingly similar to the trademark in which the Complainant has rights. Each disputed domain name incorporates the Complainant's registered trademark TOOLPORT in its entirety and without alteration, so that the mark is plainly recognisable within it. The only additional element in each case is a two-letter geographical identifier appended directly to the mark. Where the relevant trademark is recognisable within the disputed domain name, the addition of other terms, whether descriptive, geographical or otherwise, does not prevent a finding of confusing similarity.

(ii) The Respondents are not, and have never been, licensees, distributors, authorised resellers or affiliates of the Complainant, and have never been authorised to use the TOOLPORT mark within the domain name and / or the website, to register any domain name incorporating it. The Respondents' uses of the disputed domain names constitute impersonation of the Complainant and passing off. Nor can the Respondents bring themselves within the cumulative requirements for resellers and distributors. The use made of each disputed domain name is commercial and therefore paragraph 4(c)(iii) of the Policy is not satisfied.

(iii) The disputed domain names are registered and used in bad faith. The Respondents have the actual knowledge of the Complainant and its rights at the time of registration of the disputed domain names. By using the disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's mark and identity as to source, sponsorship, affiliation or endorsement. The Respondents have engaged in a pattern of registering domain names in order to prevent the Complainant from reflecting its mark in corresponding domain names.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary issue: Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants.
The Complainant alleges that the domain name registrants are 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 both of the disputed domain names <toolportes.com> and <toolportit.com> were registered on the same day by the Respondent 郭田田. Although the disputed domain name <toolportfr.com> was registered by the Respondent Yue Yang, its phone number is identical to the one registered for the disputed domain name <toolportit.com>. Furthermore, all three disputed domain names are in the same naming pattern, namely "toolport – two letter country code", and resolves exclusively through Cloudflare name servers. Absent from any Response from the Respondent, the Panel holds that the Complaint has established that the disputed domain names are subject to common control.

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.

6.2. Preliminary issue: Language of the Proceeding

The language of the Registration Agreements for the disputed domain names <toolportes.com> and <toolportit.com> is Chinese. 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.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the language of at least one agreement is English suggests that the Respondent are proficient in the English language, requiring the Complainant to translate this Complaint together with all annexes into Chinese would impose disproportionate cost and delay on the Complainant.

The Respondent did not make any 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 (WIPO Overview 3.1, section 4.5.1).

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.

6.3. Substantive Issues

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 such as "fr", "es" or "it" may bear on assessment of the second and third elements, the Panel finds the addition of such terms, which are merely country codes, 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 lack rights or legitimate interests in the disputed domain names.

The Complainant has asserted that the Respondent is not, and has never been, licensees, distributors, authorised resellers or affiliates of the Complainant, and has never been authorised to use the TOOLPORT mark within the disputed domain names.

The disputed domain names are resolved to websites mimicking themselves as the official websites of the Complainant. The identities of the Respondent are not disclosed in these websites. Such uses of the disputed domain names are likely to cause confusion to the consumers and therefore may never confer legitimate rights on the Respondent.

Moreover, the disputed domain names are comprised of the Complainant's trademark TOOLPORT and the terms of "fr", "es" or "it" which represent the countries of France, Spain and Italy where the Complainant also operates its business. As such, the composition of the disputed domain names carries a risk of implied affiliation. WIPO Overview 3.1, section 2.5.1.

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.

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 Complainant has registered and used TOOLPORT mark for a long term. The facts that the registered address of the Complainant, the links to the genuine social media of the Complainant or the Amazon stores and the identical stylized TOOLPORT mark of the Complainant are displayed on the websites associated with the disputed domain names demonstrate that the Respondent has the actual knowledge of the Complainant and its trademark rights and therefore have the bad faith.

Furthermore, the disputed domain names contain the entirety of the Complainant's mark with the addition of the country code "fr", "es" or "it", showing the same naming pattern of targeting the Complainant and its trademarks.

Additionally, according to the evidence presented by the Complainant, the Respondent can earn commissions from the products links of the website or the purchases made by the Internet users attracted from the websites associated with the disputed domain names. As such, the Panel holds that, by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's mark and identity as to source, sponsorship, affiliation or endorsement.

The facts that the Respondent adopts privacy services to conceal its identity and fails to respond to this Complaint also supports the finding of bad faith.

The Panel therefore 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 <toolportes.com>, <toolportfr.com> and <toolportit.com> be transferred to the Complainant.

/Tao Sun/
Tao Sun
Sole Panelist
Date: October 29, 2026