

ADMINISTRATIVE PANEL DECISION

Swatch AG (Swatch Ltd) (Swatch SA) v. Seiji Madrigal, Seiji M
Case No. D2026-3981

1. The Parties

The Complainant is Swatch AG (Swatch Ltd) (Swatch SA), Switzerland, represented by Rentsch Partner Ltd., Switzerland.

The Respondent is Seiji Madrigal, Seiji M, Australia.

2. The Domain Name and Registrar

The disputed domain name <swatchofficial.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 September 4, 2026. On September 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 9, 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 September 11, 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 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 5, 2026.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on October 9, 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 well-known and world-leading manufacturer, seller, and retailer of products including particularly finished watches, jewelry, and watch movements and components. The parent company, The Swatch Group AG, is one of the world's largest watch companies and employs 31,800 people in over 50 countries. The SWATCH watch was launched in 1983.

The Complainant owns numerous trademark registrations for the SWATCH mark, including, inter alia:

- International trademark registration SWATCH (figurative), No. 506123, registered on September 9, 1986, in class 14, designating, among other jurisdictions, Australia;
- United States trademark registration SWATCH (figurative), No. 1356512, registered on August 27, 1985, in class 14; and
- Japanese trademark registration SWATCH (figurative), No. 2184860, registered on October 31, 1989, in class 14.

The Complainant operates its official website at the domain name <swatch.com>, through which it promotes and sells its products.

On May 13, 2026, the Complainant announced its “Audemars Piguet × Swatch” collaboration with the Swiss watchmaker Audemars Piguet. The collaboration is a collection of eight bioceramic models inspired by the Audemars Piguet Royal Oak, marketed as the “Royal Pop” collection.

The disputed domain name was registered on May 18, 2026. According to the Complainant, it previously resolved to a website promoting watches described as the Audemars Piguet x Swatch “Royal Pop” collection. The website included sections titled “Royal Pop”, “The Collection”, “Watches”, “Approved Resellers”, and “APxSwatch”. Its privacy policy stated that “Swatch operates this store and website”, and its footer displayed the copyright notice “© SWATCH AG 2026. ALL RIGHTS RESERVED: SWISS WATCHES”. The privacy policy gave a Gmail contact address and a street address in Surry Hills, New South Wales, Australia.

At the time of this Decision, the disputed domain name does not resolve to an active website.

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:

- 1) The disputed domain name is confusingly similar to the Complainant's SWATCH mark, since it incorporates the mark in its entirety. The addition of the term “official” does not prevent a finding of confusing similarity. On the contrary, it reinforces the association with the Complainant, as it suggests that the website is operated, authorized or endorsed by the trademark owner. The generic Top-Level Domain (“gTLD”)

“.com” is disregarded under the first element. The SWATCH mark has been used since 1983 and previous UDRP panels have recognized it as well known.

2) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant, has no license or authorization to use the SWATCH mark, and is not commonly known by the disputed domain name. The Respondent used the disputed domain name for a website that copied the Complainant's commercial offering, in particular the AP x Swatch “Royal Pop” collection, and passed itself off as the Complainant. The privacy policy stated that “Swatch operates this store” and the footer displayed a copyright notice in the Complainant's name. The use of a domain name for impersonation and passing off can never confer rights or legitimate interests. The criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), do not apply to a respondent engaged in impersonation, and in any event the website did not disclose the lack of a relationship with the Complainant. According to the Complainant, the HTTP 423 status shows that Shopify has suspended or locked the store, which does not create a legitimate interest or cure the Respondent's earlier conduct.

3) The disputed domain name was registered and is being used in bad faith. The SWATCH mark is famous worldwide and long predates the registration of the disputed domain name. The combination of the mark with the term “official” shows opportunistic targeting and amounts to impersonation of the Complainant. The Respondent knew of the Complainant's mark when it registered the disputed domain name. It used the disputed domain name to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The Respondent was given proper notice of the Complaint and had the opportunity to respond. Under paragraph 5(a) of the Rules, the Respondent was required to submit its response within 20 days of commencement of the proceeding. The Respondent failed to do so.

Pursuant to paragraph 5(f) of the Rules, in the event of such a default, the Panel shall proceed to a decision based on the Complaint. However, the Respondent's default does not mean that the Complainant automatically prevails; the Complainant continues to bear the burden of proof on each element. The Panel

may draw appropriate inferences from the Respondent's silence, and, where appropriate, accept as true the reasonable allegations in the Complaint that are not contradicted by evidence. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the [WIPO Overview 3.1](#), which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

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 mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its SWATCH mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name incorporates the Complainant's SWATCH mark in its entirety, with the addition of the term "official". The mark remains clearly recognizable within the disputed domain name. The addition of this term does not prevent a finding of confusing similarity under the first element, although its significance is relevant to the assessment of the second and third elements. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

The Panel further notes that the gTLD ".com" is required only for technical reasons and is generally disregarded for the purposes of comparison of the Complainant's mark to the disputed domain name. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark and that the first element of paragraph 4(a) of the Policy is satisfied.

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 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 record, the Panel finds that the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not filed a Response and therefore has not rebutted the Complainant's case or provided any evidence demonstrating rights or legitimate interests under the Policy or otherwise.

The Complainant has confirmed that it has no relationship with the Respondent and has not authorized, licensed, or otherwise permitted the Respondent to use its SWATCH mark. There is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The composition of the disputed domain name is also relevant. The combination of the Complainant's SWATCH mark with the term "official" conveys the impression that the disputed domain name identifies an official website of the Complainant. In the circumstances of this case, that composition carries a risk of implied affiliation and does not support a claim to fair use. [WIPO Overview 3.1](#), section 2.5.1.

The use of the disputed domain name confirms this. Shortly after registration, the disputed domain name resolved to a website that reproduced the Complainant's SWATCH figurative mark and presented the AP x Swatch "Royal Pop" collection, with prices for each of the eight models. The website did not merely refer to the Complainant's products. It presented itself as the Complainant: the privacy policy stated that "Swatch operates this store and website", and the footer carried a copyright notice in the name of the Complainant. The record does not show that any goods were actually sold through the website, and the Panel makes no finding as to whether genuine or counterfeit products were involved. The Panel does not need to make such a finding. A website that falsely claims to be operated by the trademark owner amounts to impersonation and passing off. Panels have held that the use of a domain name for illegal activity, including impersonation and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

For the same reasons, the Respondent could not qualify as a reseller under the criteria set out in *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Far from accurately and prominently disclosing its relationship with the Complainant, the website affirmatively misrepresented the Respondent as the Complainant. In addition, all models were shown as "out of stock", and nothing in the record indicates that the Respondent was actually offering the goods at issue. [WIPO Overview 3.1](#), section 2.8.1.

The subsequent unavailability of the website does not establish any independent right or legitimate interest in the disputed domain name. The Respondent has not provided evidence of any other use, or demonstrable preparations for use, capable of supporting such a finding.

The Panel finds that 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 that showing or provided any relevant evidence demonstrating rights or legitimate interests under the Policy or otherwise.

In view of the above, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

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 finds that the Respondent both registered and is using the disputed domain name in bad faith under paragraph 4(b) of the Policy.

The Complainant is a Swiss watch manufacturer that has used the SWATCH mark since 1983 and holds trademark registrations for it dating back to 1985, including an International Registration designating Australia, where the Respondent is located. SWATCH is a coined term with no meaning other than as the Complainant's mark, and on the record before the Panel it is widely known. The disputed domain name was registered on May 18, 2026, more than four decades after the Complainant's rights were established.

The timing of the registration is telling. The Complainant announced its collaboration with Audemars Piguet on May 13, 2026. Five days later, the Respondent registered the disputed domain name. The privacy policy of the Respondent's website carries the same date, and by May 19, 2026, the website was presenting the newly launched "Royal Pop" collection under the Complainant's mark. Registration immediately following a product launch, combined with website content dedicated to that product, leaves no doubt that the

Respondent had the Complainant and its mark in mind when it registered the disputed domain name. [WIPO Overview 3.1](#), sections 3.2.1 and 3.2.2.

The Respondent's use of the disputed domain name falls squarely within paragraph 4(b)(iv) of the Policy. The disputed domain name combines the Complainant's mark with the term "official", and resolved to a website that reproduced the SWATCH figurative mark, displayed the Complainant's products with prices, declared that "Swatch operates this store and website", and attributed copyright in the website to the Complainant. By these means, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website. Mimicking the Complainant and impersonating it in this manner is manifestly evidence of bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The subsequent deactivation of the website, which displayed the message "This store is unavailable", does not alter this conclusion. Noting the reputation of the Complainant's mark, the composition of the disputed domain name, and the Respondent's earlier impersonation of the Complainant, the current non-use of the disputed domain name does not prevent a finding of bad faith. [WIPO Overview 3.1](#), section 3.3.

The Respondent has not provided any explanation for its choice of the disputed domain name, and the Panel cannot conceive of any good faith use to which it could be put. The absence of any Response further supports the inference of bad faith. [WIPO Overview 3.1](#), section 4.3.

Considering the totality of the circumstances, the Panel concludes that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

Accordingly, the third element of paragraph 4(a) of the Policy has been established.

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 <swatchofficial.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: October 13, 2026