

ADMINISTRATIVE PANEL DECISION

Tchibo Markenverwaltungs GmbH & Co. KG v. Alexandrs Filipovic, Tchibo Fashion

Case No. D2026-4233

1. The Parties

The Complainant is Tchibo Markenverwaltungs GmbH & Co. KG, Germany, represented by Esche Schumann Commichau, Germany.

The Respondent is Alexandrs Filipovic, Tchibo Fashion, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <tchibomode.com> (the “Disputed Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 21, 2026. On September 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 23, 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 (Unknown, owner data undisclosed / Contact Privacy Inc. Customer 0179140199) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 September 24, 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 September 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 20, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on October 23, 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 part of the Tchibo Group and administers the Group's worldwide TCHIBO trademark rights. Founded in 1949, Tchibo Group is one of Germany's largest consumer goods and retail companies, being a major e-commerce company in Europe and one of the market leaders in roasted coffee in Germany, Austria, the Czech Republic and Hungary. Tchibo Group operates approximately 860 shops, more than 15,500 retail outlets, and national online shops across eight countries.

The Complainant, and its affiliates, distribute a wide range of products under the TCHIBO trademark, including coffee, clothing for women, men and children, shoes, accessories, travel goods, bags, household goods and other products. One essential part of the Complainant's retail business is the sale of fashion, in particular via its online shops available at "www.tchibo.de", "www.tchibo.at" and "www.tchibo.ch".

The Complainant's company main website is available at "www.tchibo.com".

The Complainant holds trademark rights for TCHIBO, such as the European Trademark Registration number 008292625 for TCHIBO (word), filed on May 11, 2009, registered on December 1, 2009, covering goods and services in International Classes 3, 4, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 38, 39, 41, 42, and 43.

The Disputed Domain Name was registered on August 15, 2026, and, at the time of filing the Complaint, it was used in relation to a commercial website selling fashion goods under the title "Tchibo Mode", claiming copyright protection, without listing a disclaimer, or identifying the relationship with the Complainant. Also, the website under the Disputed Domain Name copies the layout and design of the Complainant's official online fashion retail shops, including the colour scheme, the categories of goods promoted and the lettering in yellow at the top left.

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:

- it is one of Germany's largest consumer goods and retail companies; "Tchibo" is an invented, fanciful term, which has no meaning; TCHIBO trademark is extensively used across Europe, in particular in Germany, and thus it has become well-known;
- the Disputed Domain Name is confusingly similar to the Complainant's trademark since it identically incorporates the mark together with the merely descriptive term "mode", which is the German word for "fashion" describing the goods to be promoted and offered on the website at the Disputed Domain Name;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name mainly because: (i) the Respondent is not licensed, authorized, or affiliated with the Complainant; (ii) the Respondent has never been commonly known under the designation "Tchibo" or the name "tchibomode", nor does the Respondent have any prior rights in the designation, or trademark for such term; and (iii) the Respondent has not used

the Disputed Domain Name in connection with a good faith business or activity, instead the Respondent uses the Disputed Domain Name for what the Complainant considers to be a fake shop, which imitates the look and feel of the Complainant's original online shop and seeks to redirect German-speaking consumers of the Complainant searching for "Tchibo" + "Mode" to the Respondent's online shop to order goods;

- the Respondent registered and is using the Disputed Domain Name in bad faith mainly because:

(i) the Respondent registered the Disputed Domain Name after the Complainant obtained trademark registrations and acquired substantial brand awareness across Europe, in particular in Germany; (ii) the website under the Disputed Domain Name is used with the fraudulent intent to deceive consumers, looking for the Complainant's goods, and thus the Respondent intentionally attempts 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 of the products; and (iii) the Respondent's absence of any conceivable good faith use.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, in order to decide on the remedy sought by the Complainant, each of the following three elements will be examined:

- (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 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. See 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 Panel finds the mark is recognizable 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.

While the addition of other terms, here the word "mode", may bear on assessment of the second and third elements, the Panel finds the addition of such element 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 the 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 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.

According to the evidence, the Respondent has used the Disputed Domain Name in connection with a website promoting goods identical to those of the Complainant and using similar color scheme and layout, presenting itself as being “Tchibo Mode”, without providing any disclaimer regarding the relationship (in fact the lack thereof) between the Respondent and the Complainant. UDRP panels have held that the use of a domain name for illegitimate activity (such as claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel also notes that the composition of the Disputed Domain Name itself carries a risk of implied affiliation given that the Complainant’s trademark has been reproduced in the Disputed Domain Name with an additional dictionary word “mode”, meaning “fashion” in German language, which is closely associated with the Complainant’s location and business, and is similar to the Complainant’s official domain names, and falsely may suggest that the respective website is one of the Complainant’s official web addresses.

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 Name was registered in bad faith, with knowledge of the Complainant and its trademark, because it fully incorporates the distinctive TCHIBO mark with a term related to the Complainant’s business (namely mode/fashion) and is very similar to the Complainant’s domain names. Also, the Disputed Domain Name was registered almost 17 years after the Complainant’s trademark registration. Further, the use of the Disputed Domain Name reinforces such finding.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] website or location” is evidence of registration and use in bad faith.

By creating a website using the Complainant's mark, offering identical goods to those offered by the Complainant, presenting itself as "Tchibo Mode" and using similar look and feel as the Complainant's official online shops, in this Panel's view, the Respondent intentionally sought to attract Internet users accessing the websites at the Disputed Domain Name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

The Respondent chose not to participate in these proceedings and to put forward any rights or legitimate rights, registered the Disputed Domain Name under a privacy shield and provided inaccurate/incomplete postal address at the registration of the Disputed Domain Name. Along with the other circumstances in this case, this may be a further sign of bad faith.

The Panel finds the third element 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, <tchibomode.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: October 27, 2026