ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Iveco S.p.A. v. Adam Zerkowski
Case No. D2026-4448

1. The Parties

The Complainant is Iveco S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Adam Zerkowski, Poland.

2. The Domain Name and Registrar

The disputed domain name <iveco24.com> is registered with Key-Systems GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 1, 2026. On October 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on October 2, 2026, providing the registrant and contact information disclosed by the Registrar.

The Center verified that 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 October 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2026. The Response was filed with the Center on October 27, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on October 30, 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 an Italian company headquartered in Turin, Italy. The Complainant was created on January 1, 1975 through the merger of companies operating in Italy, France and Germany, and the name IVECO is an acronym for Industrial Vehicle Corporation.

The Complainant manufactures heavy, medium and light commercial vehicles. It employs over 25,000 people worldwide and has production sites in 11 countries. It also has 5,000 sales and service outlets in over 160 countries. The Complainant's products have won industry awards, and the IVECO brand has been associated with international sporting sponsorships.

The Complainant owns a number of registered trade marks for IVECO (the "Trade Mark"), including:

- International Trade Mark Registration No. 426061 for the IVECO word mark (registered October 21, 1976);
- International Trade Mark Registration No. 782547 for the IVECO word mark (registered April 22, 2002); and
- European Union Trade Mark Registration No. 001006725 for the IVECO figurative mark (registered March 27, 2000).

The Complainant also holds more than 900 domain names containing the Trade Mark. Among them is <iveco.com> (registered on March 15, 1996), which resolves to the Complainant's official website.

The Respondent is an individual based in Poland.

The disputed domain name was registered on September 16, 2025. Since its registration, it has redirected to a page on the Aftermarket.eu and Aftermarket.pl domain name marketplaces. The disputed domain name was first offered for sale on that page for EUR 4,999 and, at the time of the Complaint, was offered for EUR 999. In October 2026, after the Complaint was filed, the disputed domain name was redirected to a Facebook group entitled "IVECO24". Mail exchange ("MX") and sender policy framework ("SPF") records have been configured for the disputed domain name.

On February 23, 2026, after obtaining the registrant's details from the Registrar, the Complainant's representative sent the Respondent a cease-and-desist letter. The letter asked the Respondent to stop using the disputed domain name and to transfer it free of charge. The Respondent replied on March 6, 2026, disputing the Complainant's position. On March 19, 2026, the Respondent asked to be reimbursed for the costs incurred in registering the disputed domain name and handling the correspondence. After a further reminder, the Respondent asked for EUR 999 to transfer the disputed domain name on June 5, 2026. On July 20, 2026, the Complainant's representative offered EUR 150 to reimburse the Respondent's out-of-pocket costs. The Respondent refused that offer and repeated its request for EUR 999.

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 Trade Mark. It incorporates the Trade Mark in its entirety and differs only by the addition of the number "24", which does not prevent a finding of confusing similarity.

- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee or authorized agent of the Complainant and has not been authorized to use the Trade Mark. There is no evidence that the Respondent: (a) is commonly known by the disputed domain name or owns any IVECO trade mark registrations; (b) has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services; or (c) has made a legitimate noncommercial or fair use of the disputed domain name. By offering the disputed domain name for sale on Aftermarket.eu, and asking the Complainant for EUR 999, the Respondent has shown that it registered the disputed domain name in order to profit from its sale. The composition of the disputed domain name also carries a high risk of implied affiliation with the Complainant.

- The disputed domain name was registered and is being used in bad faith. Given that the Trade Mark has been used since 1975 and is well known, the Respondent could not have been unaware of it when registering the disputed domain name. The Respondent acted in opportunistic bad faith. Offering the disputed domain name for sale to the public, together with the Respondent's request for EUR 999, which is well above the Respondent's out-of-pocket costs, falls within paragraph 4(b)(i) of the Policy. The Respondent is also intentionally trying to attract Internet users for commercial gain by creating a likelihood of confusion, within paragraph 4(b)(iv) of the Policy. Further, the MX and SPF records configured for the disputed domain name support a finding of bad faith, given the risk of email use that falsely implies an affiliation with the Complainant.

B. Respondent

The Respondent contends that the Complainant has not satisfied all the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- The Respondent accepts the Complainant's rights in the Trade Mark and does not dispute the first element.

- The Respondent has a legitimate interest in the disputed domain name. The Respondent has for many years run independent online community projects, including Honda24.pl, started in 2007, and Speedway24.pl. The disputed domain name was registered as part of this "24" naming practice, to create an independent community for owners and enthusiasts of IVECO vehicles. It was not intended to suggest any sponsorship or endorsement by the Complainant. The Respondent accepts that, before the dispute, the disputed domain name resolved to a marketplace sales listing and that it did not point to an active IVECO-related website at that time. In October 2026, the Respondent created an IVECO24 Facebook group and redirected the disputed domain name to it.

- The disputed domain name was not registered and is not being used in bad faith. The Respondent's primary purpose at registration was to reserve a name for a planned community, not to sell it to the Complainant. The Respondent accepts that the disputed domain name was listed on the Aftermarket.pl for EUR 4,999. It says the disputed domain name was offered to the general market and that it did not approach the Complainant. The later request for EUR 999 was a settlement proposal, made after the cease-and-desist letter because the Respondent was concerned about legal proceedings. The Respondent has never set up or used an email account on the disputed domain name, and the existence of MX and SPF records does not in itself show any email impersonation.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

1. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which

the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, "24") may bear on assessment of the second and third elements, the Panel finds the addition of this term 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.

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 Complainant has not authorized the Respondent to use the Trade Mark. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent contends that it registered the disputed domain name for an independent IVECO enthusiasts community, in line with its other "24" projects. The Panel accepts that the Respondent appears to have run other online communities under a "24" naming convention, although these are supported only by links, and no supporting evidence has been annexed. The Respondent accepts that, before the dispute, the disputed domain name resolved only to a listing for the disputed domain name on a domain name marketplace, at EUR 4,999 and later at EUR 999. It has produced no evidence of demonstrable preparations to launch a community before receiving the cease-and-desist letter of February 23, 2026. Offering the disputed domain name for sale at a price well above out-of-pocket costs is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use.

The IVECO24 Facebook group was created in October 2026, after the dispute arose, and carries little weight. In any event, the disputed domain name consists of the distinctive Trade Mark plus the number "24". Panels have largely held that a domain name consisting of a trade mark plus an additional term cannot constitute fair use where it effectively suggests sponsorship or endorsement by the trade mark owner, and the Panel considers that the disputed domain name does so here. WIPO Overview 3.1, section 2.5.1.

The Respondent has not successfully rebutted the Complainant's prima facie case. 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 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)(i) provides that it will be evidence of a respondent's bad faith where there are circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trade mark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name.

The Panel accepts that registering a domain name for later resale, including for a profit, does not by itself show that the domain name was registered in bad faith with the primary purpose of selling it to a trade mark owner or its competitor. Mere offers to sell for a profit that do not target a trade mark owner would not be considered to violate paragraph 4(b)(i) of the Policy. Whether a domain name was registered to target a trade mark owner is highly fact-specific. Relevant factors include the nature of the domain name, the distinctiveness of the trade mark at issue, and the use to which the domain name has been put. Panels will, however, find bad faith where the circumstances indicate that the respondent's intent in registering the domain name was in fact to profit from, or otherwise exploit, the complainant's trade mark. See WIPO Overview 3.1, section 3.1.1.

Here, the Panel finds that the circumstances indicate that the Respondent registered the disputed domain name to target the Complainant:

- The Trade Mark is distinctive and has a substantial reputation.

- "IVECO" is a coined acronym with no apparent meaning other than as a reference to the Complainant. The Respondent's own explanation, that the disputed domain name was chosen to identify a community about IVECO vehicles, confirms that it was aware of the Complainant and its Trade Mark and chose the disputed domain name because of them.

- From registration of the disputed domain name until after the Complaint was filed, the disputed domain name resolved only to a marketplace listing offering it for sale for EUR 4,999 and later EUR 999. These sums considerably exceed any likely out-of-pocket costs directly related to the disputed domain name.

- When approached by the Complainant, the Respondent first sought reimbursement of its costs, then asked for EUR 999, and refused the Complainant's offer of EUR 150 to cover out-of-pocket costs.

The Panel has considered the Respondent's submission that the EUR 999 request was a settlement proposal. Settlement discussions are not necessarily indicative of bad faith. WIPO Overview 3.1, section 3.10. However, the request matched the price at which the Respondent was publicly offering the disputed domain name. Together with the absence of any evidence of preparations for the claimed community, it indicates an intention at registration to profit from the Trade Mark. The Panel notes that in the circumstances of this case, particularly considering the change of use, because the disputed domain name has no value

apart from its association with the Complainant, the disputed domain name appears to have been registered with the Complainant in mind, and the offer thus does not appear to have been a neutral one to the general market. The Panel finds on the balance of probabilities that the Respondent registered the disputed domain name primarily to sell it to the Complainant for more than its out-of-pocket costs, within paragraph 4(b)(i) of the Policy.

The continuing sales listing, which remained in place after the Complaint was filed, constitutes use in bad faith. The later redirect to a Facebook group, made only after the Complaint was filed, does not cure that conduct.

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 <iveco24.com> be transferred to the Complainant.

/Rebecca Slater/
Rebecca Slater
Sole Panelist
Date: November 11, 2026