

## **ADMINISTRATIVE PANEL DECISION**

**BASF SE v. The Trustee for The NM & AN Frost Family Trust**  
**Case No. DAU2025-0059**

### **1. The Parties**

The Complainant is BASF SE, Germany, represented by Convey Srl, Italy.

The Respondent is The Trustee for The NM & AN Frost Family Trust, Australia.

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

The disputed domain name <glasurit.com.au> is registered with Web Address Registration Pty Ltd.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 31, 2025. On January 2, 2026, the Center transmitted by email to Web Address Registration Pty Ltd a request for registrar verification in connection with the disputed domain name. On January 4, 2026, Web Address Registration Pty Ltd 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 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 January 12, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 15, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was February 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 9, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on February 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 German chemical company that was established in 1865. The Complainant evolved from a pioneer in synthetic dyes and ammonia-based fertilizers into a global leader in integrated chemicals and advanced materials. Today, the Complainant supplies products and technologies such as plastics, coatings, catalysts, crop protection, and specialty chemicals to customers in over 190 countries.

The Complainant holds the following trade mark registrations: Australian Registration No. 955547 for GLASURIT word mark (registered May 28, 2003); and Australian Registration No. 434784 for GLASURIT combination mark (registered October 17, 1985) (the "Trade Mark").

The Complainant has also registered the <glasurit.com> domain name (registered March 26, 1996). The website at this domain name is dedicated to automotive refinishing paints and solutions.

The Respondent is apparently located in Australia. The Respondent did not submit a formal response, and consequently little additional information is known about the Respondent.

As per the Registrar, the disputed domain name was registered on February 5, 2025.

The disputed domain name has previously resolved to a website for automotive paint products which features the Trade Mark with a parrot logo similar to the one in Complainant's combination mark. The website at the disputed domain name is currently inactive and displays an error message.

#### **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 identical to the Trade Mark. The disputed domain name incorporates the Trade Mark in its entirety. Additionally, the structure of the disputed domain name could reasonably lead Internet users to believe that it represents the Complainant's official website for the Australian market.
- The Respondent is not a licensee, distributor, or authorized agent of the Complainant and has never been authorized to use the Trade Mark or to register the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent has not been using the disputed domain name for a bona fide purpose. It has been used to impersonate the Complainant and mislead consumers for commercial gain.
- The Complainant has intensively used the Trade Mark since 1985 and has a significant commercial footprint in Australia. Accordingly, the Respondent could not have been unaware of the Complainant's rights when the Respondent registered the disputed domain name. The disputed domain name has been used to impersonate the Complainant. The Respondent's failure to respond to the Complainant's cease-and-desist letter further evidences bad faith.

##### **B. Respondent**

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

## 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:

- (i) the disputed domain name is identical or confusingly similar to a name, trade mark 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 or subsequently used in bad faith.

The onus of proving these elements is on the Complainant.

### A. Identical or Confusingly Similar

The disputed domain name is identical to the Trade Mark in which the Complainant has rights. Generally, and as is appropriate in this case, the second level and first level suffixes (i.e., “.com.au”) are disregarded (see section 1.11 of the Overview of Panel Views on Selected auDRP Questions, Second Edition (“auDRP Overview 2.0”).

The Respondent does not contest this point.

The Complainant succeeds on the first element of the Policy.

### B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that the Complainant must establish that the Respondent has no rights or legitimate interests in the disputed domain name. Paragraph 4(c) non-exhaustively lists circumstances that can demonstrate the Respondent’s rights or legitimate interests in the disputed domain name.

In the Panel’s view, the following establish a prime facie case against the Respondent:

- The Complainant has not licensed or otherwise authorized the Respondent to use the Trade Mark.- There is no evidence to suggest that the Respondent might be commonly known by the disputed domain name.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.
- The evidence provided by the Complainant (i.e., screenshots of the website to which the disputed domain name historically resolved) indicates that the disputed domain name has rather been used to either: (a) impersonate the Complainant and its business; or (b) to create the incorrect impression that the Respondent is affiliated with the Complainant. Previous panels have consistently held that such use of a domain name does not represent a bona fide offering because it capitalizes on the reputation and goodwill of a complainant’s trade mark.

The burden of production shifts to the Respondent to provide evidence of its rights or legitimate interests under paragraph 4(c) of the Policy (see, e.g., *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. [DAU2002-0001](#)). The Respondent has not provided any evidence to demonstrate its rights or legitimate interests in the disputed domain name.

Under these circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The second element of the Policy is satisfied.

### C. Registered or Subsequently Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the disputed domain name has been registered or subsequently used in bad faith.

Having reviewed the record, the Panel finds the Respondent's registration (and its use) of the disputed domain name constitutes bad faith under the Policy.

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith where a respondent has used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds it unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given: (a) the worldwide reputation of the Complainant and the Trade Mark (including in Australia); and (b) the composition of the disputed domain name, which incorporates the Trade Mark in its entirety. The Respondent's goal in registering and subsequently using the disputed domain name appears to be to attract Internet users for potential gain, taking unfair advantage of the Trade Mark. This finding is reinforced by the Respondent's use of the website at the disputed domain name to display the Trade Mark and offer the same type of products that the Complainant provides (including through the Complainant's website).

The Complainant tried to contact the Respondent on December 18, 2025, via an email requesting that the Respondent: (a) cease and desist using the Trade Mark; and (b) voluntarily transfer the disputed domain name to the Complainant. The Respondent failed to respond to this email. The Panel's view of the Respondent's bad faith is reinforced by its failure to respond to this communication.

The Complainant succeeds on the third element of the Policy.

## **7. Decision**

For all the foregoing reasons, in accordance with Paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name, <glasurit.com.au>, be transferred to the Complainant.

*/Rebecca Slater/*

**Rebecca Slater**

Sole Panelist

Date: February 17, 2026