

## **ADMINISTRATIVE PANEL DECISION**

Mann+Hummel GmbH v. John Lester Morley  
Case No. DAU2026-0003

### **1. The Parties**

The Complainant is Mann+Hummel GmbH, Germany, represented by Cooper Mills Lawyers, Australia.

The Respondent is John Lester Morley, Australia.

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

The disputed domain name <wixfilters.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 January 21, 2026. On January 22, 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 26, 2026, Web Address Registration Pty Ltd 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 verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy”), 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 28, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was February 17, 2026. The Response was filed with the Center on February 17, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on February 24, 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 limited liability company incorporated in Germany. The Complainant is one of the global leaders in filtration technology and has been part of the Mann+Hummel Group since 2016. The Complainant's predecessors have been selling "WIX" and "WIX FILTERS" branded products since 1939. The Complainant's product range includes over 16,000 separate filtration products for use in vehicles, machinery, heavy equipment and motorsport applications. The Complainant has 11 production facilities in eight countries and manufactures more than 210 million filters annually for customers in over 80 countries, including Australia.

The Complainant has a global portfolio of trade mark registrations, including: Australian Registration No. 191710 for WIX logo mark (registered December 4, 1964); New Zealand Registration No. 76900 for WIX logo mark (registered September 28, 1964); and New Zealand Registration No. 77419 for WIX word mark (registered December 7, 1964) (the "Trade Mark").

The Complaint contends that it also has common law trade mark rights in WIX FILTERS through long-standing and extensive use.

The Complainant and its predecessors have also continuously operated a website since 2018 at the <wixfilters.com> domain name to promote filters.

The Respondent is an individual located in Australia. On September 12, 2018, the Respondent:

- registered the business name "WIX FILTERS" (ABN 37 430 114 905) with the Australian Securities and Investments Commission; and
- filed Australian trade mark application 1954910 for WIX FILTERS, which he withdrew six days after filing.

The disputed domain name was registered on August 22, 2016. The website at the disputed domain name is currently inactive. The website previously had a home page headed "Modular Disc Water Filters" featuring a "WIX FILTERS" logo and stating that "WIX Filters are resellers of modular disc filters for the Australian market". The historical website also had a contact page with a template Inquiry Form. No contact details for the Respondent were available on the website. The website did not give any indication as to where or how a customer could purchase the Respondent's products and did not provide a means for online purchase.

#### **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 and identical to the Complainant's common law WIX FILTERS trade mark.
- The Respondent does not have rights or legitimate interests in the disputed domain name, specifically:
  - The Respondent has no association, affiliation or other relationship with the Complainant. The Respondent has never been authorized by the Complainant to use the Trade Mark or to register the disputed domain name.

- The Respondent is an individual. There is no evidence that the Respondent has been commonly known by the disputed domain name. The administrative registration of a business name is not evidence that the Respondent was or has become commonly known by the disputed domain name and does not establish any rights or legitimate interests in the disputed domain name.
- The Respondent's use of the disputed domain name for a sham website (or, alternatively, website which exploits the Trade Mark) is not bona fide.
- The Complainant sent the Respondent a letter of demand on September 9, 2025, alleging that the Respondent was aware of the Trade Mark, that the website at the disputed domain name is a sham and that the disputed domain name was registered and is being used in bad faith. The Respondent has not responded to the letter of demand.
  
- The Respondent has registered and is using the disputed domain name in bad faith, specifically:
  - The Respondent's registration has the effect of preventing the Complainant from reflecting its Trade Mark in a domain name and has the effect of disrupting the Complainant's business.
  - The Respondent was aware of the Complainant's trade marks when the Respondent registered and subsequently used the disputed domain name.
  - The Respondent has not denied the allegations in the Complainant's letter of demand.

## **B. Respondent**

The Respondent has responded to the Complainant's contentions as follows:

- The disputed domain name was available for purchase long before the Respondent purchased the disputed domain name in August 2016.
- The Respondent has not purported to be affiliated with the Complainant.
- The Respondent was aware of a filtration company in the United States when he registered the disputed domain name, but was not aware of any Australian trade mark registrations. The Complainant does not have a registered trade mark for WIX FILTERS in Australia.
- The Complainant's allegation that the website is a sham is false.
- The domain name <wixfilters.au> is available for registration by the Complainant.
- The Respondent did not register the disputed domain name in bad faith.
- The Complainant's letter of demand was sent to the wrong address.

## **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**

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 (see Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), section 1.7).

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy (see auDRP Overview 2.0, section 1.7.1).

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 (see auDRP Overview 2.0, section 1.7.1).

For completeness, the Panel also finds that the Complainant has common law trade mark rights in WIX FILTERS and that the disputed domain name is identical to that mark.

The Panel finds the first element of the Policy has been established.

## **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. The Respondent is not a reseller or distributor of the Complainant's products.
- There is no evidence to suggest that the Respondent might be commonly known by the disputed domain name. A business name registration is a legislative requirement and does not, of itself, give rise to rights or legitimate interests in a disputed domain name (see auDRP Overview 2.0, section 2.12.3). The critical issue is whether the respondent is trading under the business name, and is doing so in good faith (see auDRP Overview 2.0, section 2.12.4).
- 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 host a short description and a partial image of a particular model of water filter. The Complainant claims that the content posted on the website appears to have been copied verbatim from a technical manual published by an unrelated third party. 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 his 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 denied the Complainant's contentions but has not provided any evidence to demonstrate his rights or legitimate interests in the disputed domain name. Specifically, he has not provided any evidence that he: (a) is, or has ever been, a reseller of the Complainant's products; or (b) has traded under his registered business name and done so in good faith.

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 his 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); (b) the Respondent's awareness of the Complainant's presence in the United States; and (c) 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: (a) display a filtration product that is the same or similar to the products that the Complainant provides (including through the Complainant's website); and (b) state that "WIX Filters are resellers of modular disc filters for the Australian market".

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 disputed domain name <wixfilters.com.au> be transferred to the Complainant.

*/Rebecca Slater/*

**Rebecca Slater**

Sole Panelist

Date: March 3, 2026