

ADMINISTRATIVE PANEL DECISION

Universal Genève SA v. SCARCE & CO PTY LTD
Case No. DAU2026-0007

1. The Parties

The Complainant is Universal Genève SA, Switzerland, represented by IP Twins, France.

The Respondent is SCARCE & CO PTY LTD, Australia.

2. The Domain Name and Registrar

The disputed domain name <universalgeneve.com.au> (“Domain Name”) 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 February 25, 2026. On February 25, 2026, the Center transmitted by email to Web Address Registration Pty Ltd a request for registrar verification in connection with the Domain Name. On February 27, 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” 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 March 4, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was March 24, 2026. On February 26, 2026, the Respondent sent an email communication to the Center. The Respondent did not submit any formal response. The Center informed the Parties of the commencement of the panel appointment process on March 26, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on April 1, 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 Swiss watchmaking company founded in 1894 that provides a variety of watches and related products under marks consisting of the words “Universal Geneve” (the “UNIVERSAL GENEVE Mark”) or containing the words “Universal Geneve”. The Complainant has a significant global reputation in the UNIVERSAL GENEVE Mark and offers its products from its website at “www.universalgeneve.com”.

The Complainant is the owner of trade mark registrations in numerous jurisdictions for the UNIVERSAL GENEVE Mark including international registration number 1804685, registered February 9, 2024 and designating various jurisdictions including Australia, China and the United States of America, for goods and services in classes 9, 14, 35, and 37.

According to the verification provided by the Registrar, the Domain Name was registered by the Respondent on November 16, 2024 and does not resolve to an active website, nor does it appear to have ever resolved to an active website. The Complainant notes that the Respondent maintains a website at “www.scarce.co” that offers watches from third party suppliers.

5. Parties’ Contentions

A. Complainant

The Complainant makes the following contentions:

- (i) that the Domain Name is identical or confusingly similar to the Complainant’s UNIVERSAL GENEVE Mark;
- (ii) that the Respondent has no rights nor any legitimate interests in respect of the Domain Name; and
- (iii) that the Domain Name has been registered and is subsequently being used in bad faith.

The Complainant is the owner of the UNIVERSAL GENEVE Mark, having held registered marks containing the words “Universal Geneve” since 1989. The Domain Name is identical to the UNIVERSAL GENEVE Mark since it wholly reproduces the UNIVERSAL GENEVE Mark and adds the “.com.au” Second-Level Domain and country code Top-Level Domain (“ccTLD”).

There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Respondent is not commonly known as the Domain Name or a name corresponding to the Domain Name. The Respondent has no licence or right to use the Domain Name or the UNIVERSAL GENEVE Mark and has never been granted any permission by the Complainant for the registration of the Domain Name. The Respondent does not use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Domain Name does not redirect to an active webpage.

The Domain Name was registered and is being used in bad faith. The Respondent had knowledge of the UNIVERSAL GENEVE Mark by virtue of the Complainant’s longtime reputation, widespread use and trade mark registrations including registrations in Australia. Furthermore, the Respondent is involved in the business of selling watches from its website at “www.scarce.co”. Such knowledge is an indication of bad faith registration. There is no plausible circumstance under which the Respondent could legitimately use the Domain Name, which is identical to the UNIVERSAL GENEVE Mark, other than to falsely create an impression of an association with the Complainant. In such circumstances, the Respondent’s passive holding of the Domain Name amounts to registration and use of the Domain Name in bad faith.

B. Respondent

The Respondent did not submit any substantive response to the Complainant’s contentions. On February 26, 2026 a representative of the Respondent contacted the Center seeking to confirm that the filing email sent by the Complainant to the Center and the Respondent was relevant to an official proceeding administered by the Center. The Center confirmed this was the case on March 4, 2026 and reminded the

Respondent of the Response due date of March 24, 2026. No further communications were sent by the Respondent.

6. Discussion and Findings

A. Identical or Confusingly Similar

To prove this element, the Complainant must have a name, trade or service mark rights and the Domain Name must be identical or confusingly similar to the Complainant's name, trade or service mark.

The Complainant is the owner of the UNIVERSAL GENEVE Mark, having registrations for the UNIVERSAL GENEVE Mark as a trade mark in Australia.

The Domain Name <universalgeneve.com.au> reproduces the UNIVERSAL GENEVE Mark in its entirety and adds the suffix ".com.au". Disregarding the suffix ".com.au" as a standard registration requirement, the Panel finds that the Domain Name is identical to the UNIVERSAL GENEVE Mark. Consequently, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

To succeed on this element, a complainant must make out a prima facie case that the respondent lacks rights or legitimate interests in the domain name. If such a prima facie case is made out, then the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

Paragraph 4(c) of the Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests in a domain name:

"Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, is to be taken to demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the subject matter of the dispute, your bona fide use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with an offering of goods or services (not being the offering of domain names that you have acquired for the purpose of selling, renting or otherwise transferring); or
- (ii) you (as an individual, business, or other organisation) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the name, trademark or service mark at issue."

The Respondent is not affiliated with the Complainant in any way. It has not been authorized by the Complainant to register or use the Domain Name or to seek the registration of any domain name incorporating the UNIVERSAL GENEVE Mark or a mark similar to the UNIVERSAL GENEVE Mark. There is no evidence that the Respondent is commonly known by the Domain Name or any similar name. There is no evidence that the Respondent has used or made demonstrable preparations to use the Domain Name in connection with a bona fide offering of goods or services or for a legitimate noncommercial use. Indeed, there is no evidence that the Domain Name has ever been used.

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has had an opportunity to rebut the prima facie case that it lacks rights or legitimate interests but has chosen not to do so. The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name under paragraph 4(a)(ii) of the Policy.

C. Registered or Subsequently Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to another person, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name; or
- (ii) the Respondent has registered the Domain Name in order to prevent the owner of the name, trademark or service mark from reflecting the name or mark in a corresponding domain name; or
- (iii) the Respondent has registered the Domain Name primarily for the purpose of disrupting the business or activities of another person; or
- (iv) by using the Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's name or 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; or
- (v) if any of the Respondent's representations or warranties as to eligibility or third party rights given on application or renewal are, or subsequently become, false or misleading in any manner.

The Panel notes that the Policy only requires that a complainant show that a respondent registered or subsequently used the Domain Name in bad faith. However, in the interest of completeness the Panel has considered both whether the Domain Name has been registered and used in bad faith. Furthermore, the Panel notes that the above examples are not exclusive and other circumstances may exist that demonstrate the registration and use of a domain name in bad faith.

The Panel finds, on the balance of probability, that the Domain Name was registered in bad faith. It is likely that the Respondent was aware of the Complainant and its reputation in the UNIVERSAL GENEVE Mark at the time the Respondent registered the Domain Name. As the Domain Name is identical to the Complainant's trade mark, save for the addition of ".com.au", and identical to the Complainant's <universalgeneve.com> domain name, save for the addition of ".au", a simple Google search would have revealed the Complainant's existence at the time. Furthermore, the uncontested evidence in the Complaint is that the Respondent operates a business selling watches manufactured by third parties. There is no obvious reason, nor has the Respondent offered an explanation, for the Respondent to register a domain name identical to the UNIVERSAL GENEVE Mark unless there was an intention to create a likelihood of confusion between the Domain Name and the Complainant and its UNIVERSAL GENEVE Mark.

The Domain Name is currently inactive. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#),¹ established that a UDRP panel must examine all the circumstances of the case to determine whether a respondent is acting in bad faith in circumstances where a domain name is unused. Based on the circumstances of this case, including the distinctiveness and reputation of the Complainant's trade mark, the failure of the Respondent to submit a response, the fact that the Respondent is in the same industry as the Complainant and the implausibility of any good faith use to which the Domain Name may be put (noting that the composition of the Domain Name carries a high risk of implied affiliation), the Panel finds that the passive holding of the Domain Name does not prevent a finding of bad faith.

Accordingly, the Panel finds that the Respondent has registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) of the Policy.

¹ Noting the substantial substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has referred to prior UDRP cases, where appropriate.

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, <universalgeneve.com.au>, be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: April 8, 2026