ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
thyssenkrupp Bilstein GmbH v. MORE 4x4, Aaron Mitchell
Case No. DAU2026-0013

## 1. The Parties

The Complainant is thyssenkrupp Bilstein GmbH, Germany, represented by Nameshield, France.

The Respondent is MORE 4x4, Aaron Mitchell, Australia.

## 2. The Domain Name(s) and Registrar(s)

The disputed domain name <bilstein.au> (the "Disputed Domain Name") is registered with Synergy Wholesale Accreditations Pty Ltd.

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 26, 2026. On May 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 28, 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 verified that the Complaint 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 June 3, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was June 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 25, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on July 2, 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 manufacturer that employs around 4,100 people globally and has a worldwide network of partners qualified to install its branded shock absorber, vehicle damping and suspension products. The Complainant holds registrations for the trade mark BILSTEIN and variations of it in numerous jurisdictions, including Australian Trade Mark No. 1342394 for the mark BILSTEIN, registered by the Complainant on June 15, 2010, in class 12, and Australian Trade Mark No. 1745001 for the mark BILSTEIN, registered on June 21, 2017, in classes 7, 12, and 17.

The Complainant is also the owner of the domain names <bilstein.com> registered since August 8, 1996.

The Disputed Domain Name was registered on September 22, 2022. The Complainant has provided evidence that the Disputed Domain Name is inactive.

## 5. Parties' Contentions

### A. Complainant

The Complainant cites its registration of the trade mark BILSTEIN as prima facie evidence of ownership.

The Complainant submits that the trade mark BILSTEIN is distinctive and that its rights in the mark predate the registration of the Disputed Domain Name. It submits that the Disputed Domain Name is identical to its trade mark BILSTEIN "as it is reproduced without addition or deletion" and that any confusing similarity is not alleviated by the ".au" country code Top-Level Domain ("ccTLD").

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Respondent has no trade mark rights in, license to use, or association with the BILSTEIN mark. The Complainant contends that the Respondent was not commonly known by the Disputed Domain Name as the WhoIs information was not similar to the Disputed Domain Name. Further, the Complainant contends that the Disputed Domain Name "is inactive and there is no other evidence of any intention to use the [Disputed] Domain Name for any purpose, be it a bona fide offering or legitimate non-commercial use. The passive holding of a disputed domain name is not a bona fide offering of goods or services under Policy."

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith. On the issue of registration, the Complainant contends that the Respondent must have had the BILSTEIN trade mark in mind when it registered the Disputed Domain Name "given the distinctiveness of the Complainant's trade marks and its reputation."

On the issue of use, the Complainant has supplied evidence that the Disputed Domain Name is inactive, and claims that the Respondent's "failure to respond to a cease-and-desist letter" is also indicative of bad faith registration and use.

### B. Respondent

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

## 6. Discussion and Findings

Paragraph 4(a) of the Policy provides that, for the Complainant to succeed, it has the burden of proving the following:

(i) that the Disputed Domain Name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
(ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
(iii) that the Disputed Domain Name has been registered or subsequently used in bad faith.

### A. Identical or Confusingly Similar

The Complainant must first establish that the Disputed Domain Name is identical with, or confusingly similar to, the Complainant's name, trade mark or service mark by demonstrating that it has rights in a name, trade mark or service mark at the date the Complaint was filed and, if that is the case, the Disputed Domain Name must also be identical or confusingly similar to the trade mark.

This Panel finds that the Complainant has rights in the trade mark BILSTEIN acquired through use and registration.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the BILSTEIN trade mark, the Panel observes that the Disputed Domain Name comprises: (a) an exact reproduction of the Complainant's trade mark BILSTEIN; (b) followed by the ccTLD ".au".

It is well established that the ccTLD, used as technical part of a domain name, may be disregarded (see: *BT Financial Group Pty Limited v. Basketball Times Pty Ltd*, WIPO Case No. DAU2004-0001). The comparison to be made is with the Second-Level portion of the Disputed Domain Name, specifically: "bilstein".

It is also well established that, where a domain name incorporates the entirety of a trade mark (and only the trade mark), the domain name will normally be considered identical to that mark for purposes of auDRP standing.

Accordingly, the Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

### B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the Disputed Domain Name:

(i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business, or other organisation) has been commonly known by the Disputed Domain Name even if the Respondent has acquired no trade mark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the BILSTEIN trade mark. The Panel finds on the record that there is therefore a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and the burden is thus on the Respondent to produce evidence to rebut this presumption, see: *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd,* WIPO Case No. DAU2002-0001.

The Respondent has failed to submit a Response and so has not shown that it has acquired any trade mark rights in respect of the Disputed Domain Name or that the Disputed Domain Name is used in connection with a bona fide offering of goods or services. There is no evidence to suggest that the Respondent has rights or a legitimate interest in the Disputed Domain Name, it has not provided evidence of demonstrated preparations to use the Disputed Domain Name, and the evidence is that the Disputed Domain Name is inactive. In the circumstances, such use does not amount to a bona fide offering of goods or services under the Policy. There has been no evidence adduced to show that the Respondent, "MORE 4x4, Aaron Mitchell" has been commonly known by the Disputed Domain Name, nor does any of the evidence demonstrate that the Respondent is making legitimate non-commercial or fair use of the Disputed Domain Name.

In the absence of a Response, the Panel finds that the Complainant has prior rights in the trade mark BILSTEIN, which precedes the Respondent's registration of the Disputed Domain Name by at least 12 years.

The Panel therefore finds that the Complaint fulfils the second condition in paragraph 4(a)(ii) of the Policy.

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

The third element of the Policy that the Complainant must also demonstrate is that the disputed domain name has been registered or subsequently used in bad faith. Paragraph 4(b) of the Policy sets out certain circumstances to be construed as evidence of both.

It is uncontroversial that a domain name investor, or anyone else, can register a commonly used word as a domain name and hold it, provided that the circumstances do not indicate illegitimate conduct or bad faith.

However, the evidence in this case indicates that the Respondent has registered and/or used the Disputed Domain Name in bad faith. A simple Internet search would have alerted the Respondent to the Complainant's prior rights; the Respondent's registration of the Disputed Domain Name incorporating the Complainant's trade mark could not be attributable to pure coincidence and creates a presumption of bad faith. The mark BILSTEIN is not a common word in Australia. The Panel finds that the Respondent must have been aware of the relevant trade mark. This is evidence of the registration of a disputed domain name in bad faith. Moreover, the Panel notes that while the Disputed Domain Name does not resolve to an active website, this does not prevent a finding of bad faith under the Policy.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) 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 <bilstein.au> be transferred to the Complainant.

*/Nicholas Weston/*
**Nicholas Weston**
Sole Panelist
Date: July 6, 2026