

## **EXPERT DECISION**

Impulszentrum Holdenweid GmbH, Stiftung Holdenweid v. W. R., Verein  
Interessengemeinschaft Holdenweid  
Case No. DCH2025-0014

### **1. The Parties**

The Claimants are Impulszentrum Holdenweid GmbH, Switzerland, and Stiftung Holdenweid, Switzerland, internally represented.

The Respondent is W.R., Verein Interessengemeinschaft Holdenweid, Switzerland.

### **2. The Domain Name**

The dispute concerns the following domain name <holdenweid.ch>.

### **3. Procedural History**

The Request was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 31, 2025. On November 3, 2025, the Center transmitted by email to SWITCH, the “.ch” and “.li” registry, a request for verification in connection with the disputed domain name. On November 4, 2025, SWITCH transmitted by email to the Center its verification response confirming that the Respondent is listed as the holder of the domain name and providing the relevant contact details. On November 5, 2025, the Respondent sent an email in German to the Center providing his current contact details and stating that the association was no longer active and that he terminated the registration of the disputed domain name. On November 7, 2025, the Respondent requested in German that the relevant communications be sent to him in German language. On the same day, the Center provided him exceptionally with a courtesy German translation.

The Center verified that the Request satisfied the formal requirements of the Rules of procedure for dispute resolution procedures for “.ch” and “.li” domain names (the “Rules of Procedure”), adopted by SWITCH, on January 1, 2020.

In accordance with the Rules of Procedure, paragraph 14, the Center formally notified the Respondent of the Request, and the Dispute resolution procedure commenced on November 7, 2025. In accordance with the Rules of Procedure, paragraph 15(a), the due date for Response was November 27, 2025. The Respondent filed a Response on November 25, 2025. Informal emails were received from the Respondent on November 9, 2025, and November 25, 2025.

No Conciliation conference has taken place within the deadline specified in paragraph 17(b) of the Rules of Procedure.

On December 11, 2025, the Center appointed Andrea Mondini as Expert in this case. The Expert finds that it was properly appointed. In accordance with Rules of Procedure, paragraph 4, the above Expert has declared his independence of the parties.

#### **4. Factual Background**

“Holdenweid” is the name of an estate owned by the Canton Basel-Stadt, comprising a historic building complex (“Hofgut Holdenweid”, built in 1798) and farming land.

The Claimant Impulszentrum Holdenweid GmbH is a Swiss company registered on December 20, 2024, which provides seminars and other cultural events on the Hofgut Holdenweid.

The Claimant Stiftung Holdenweid is a Swiss foundation established on May 5, 2020, for the purpose of preserving the existing buildings of the Hofgut Holdenweid and the acquisition or leasing of further land of the Holdenweid estate.

The Respondent is a co-founder of the Swiss association Interessengemeinschaft Holdenweid which was founded around 2017 for the purpose of discussing the conservation and future uses of the Holdenweid estate.

The Respondent registered the disputed domain name on April 6, 2017.

#### **5. Parties’ Contentions**

##### **A. The Claimants**

The Claimants contends as follows:

The Claimant Stiftung Holdenweid is the legal owner and custodian of the property “Holdenweid”, including all buildings and facilities. The Impulszentrum Holdenweid GmbH is the operator of this location and provides educational and social programs under its company name.

Claimants have a right in the distinctive sign “Holdenweid” under Swiss law, based on:

- Article 944 et seq. Swiss Code of Obligations (“CO”) which protects the registered company name “Impulszentrum Holdenweid GmbH”;
- Article 29 Swiss Civil Code (“CC”) which protects the name “Holdenweid” as a geographical and factual identifier of the real estate and the institution actually managed by the Claimants;
- Article 3 para. 1 lit. d Swiss Unfair Competition Act (“UCA”) which prohibits any misleading use or exploitation of a third party’s name or reputation.

These rights are being continuously used in commerce and communication by the Claimants through the official website “www.impulszentrum-holdenweid.ch”, signage at the physical site, printed materials, and correspondence.

The disputed domain name <holdenweid.ch> is identical to the protected name “Holdenweid”, which the public associates directly with the Claimants and the property they own.

The term “Holdenweid” identifies a single, well-known rural estate in Holstein. The public assumes that the disputed domain name belongs to the entities operating that property, as confirmed by actual mis-directed

correspondence and emails. The disputed domain name therefore misleads the public and causes a persistent risk of confusion.

The website posted under the disputed domain name displays photographs of the Holdenweid estate, which is owned by the Stiftung Holdenweid. This reinforces the false impression of affiliation.

Even after having been contacted by the Claimants, the Respondent merely added a hyperlink to <impulszentrum-holdenweid.ch> and posted personal statements under the heading “Aktuelles”, confirming the Respondent’s ongoing, non-authorized use of the disputed domain name for unrelated or personal purposes.

The Respondent formerly acted for the association Interessengemeinschaft Holdenweid. He confirmed in an email that this association is inactive and that he terminated the disputed domain name, intending only to use it as a subdomain. He also confirmed that he personally operates at his own cost the website posted under the disputed domain name. The previous association no longer pursues any active or lawful purpose connected to the Holdenweid estate, and therefore the Respondent has no legitimate interests in retaining the disputed domain name. The current allocation and use of the disputed domain name therefore clearly violate the Claimants’ rights under Art. 29 ZGB and Art. 3 UWG, by creating confusion and exploiting the reputation of the institutions located on the Holdenweid estate.

The transfer of the disputed domain name to Impulszentrum Holdenweid GmbH is a proportionate and necessary measure to eliminate such confusion and to align the disputed domain name with the lawful holder of the distinctive sign and the operator of the Hofgut Holdenweid.

## **B. The Respondent**

The Respondent in essence contends as follows:

He registered the disputed domain name in 2017 in the name of the association Interessengemeinschaft Holdenweid which was founded to discuss how to protect and use the Holdenweid estate in the future. As a founding member of that association, he contends that he is entitled to the disputed domain name and states that this association has never been officially dissolved. Upon receipt of the Claimants’ warning letter, he voluntarily placed a prominent link to their website.

The land of the Holdenweid estate is owned by the Canton Basel-Stadt. The largest part of that estate is agricultural land leased to a third party. The Stiftung Holdenweid only holds a small fraction of that land and the Hofgut Holdenweid buildings, which it sub-let to the Impulszentrum GmbH.

The Respondent states that he terminated the registration of the disputed domain name, but that he wants to keep it until the end of the notice period.

## **6. Discussion and Findings**

According to the Rules of Procedure, paragraph 24(c), “the Expert shall grant the request if the allocation or use of the domain name constitutes a clear infringement of a Right in a distinctive sign which the Claimant owns under the laws of Switzerland”.

The Rules of Procedure, paragraph 24(d) specify that “in particular, a clear infringement of an intellectual property right exists when:

- both the existence and the infringement of the claimed Right in a distinctive sign clearly result from the wording of the law or from an acknowledged interpretation of the law and from the presented facts and are proven by the evidence submitted; and

- the Respondent has not conclusively pleaded and proven any relevant grounds for defence; and
- the infringement of the right justifies the transfer or revocation of the domain name, depending on the remedy requested in the request”.

#### **A. The Claimant has a right in a distinctive sign under the law of Switzerland**

The name Impulszentrum Holdenweid GmbH is protected as a company name under Art. 946 CO.

Names of foundations enjoy name protection under Art. 29 CC (decision of the Swiss Federal Court 102 III 161). Therefore, the name of the Stiftung Holdenweid is protected under Art. 29 CC.

Accordingly, the Claimants have shown that they have rights in a distinctive sign under the law of Switzerland.

#### **B. The allocation or use of the domain names constitutes a clear infringement of a Right in a distinctive sign which the Claimants own under the law of Switzerland**

The Expert notes that in his first email to the Center on November 5, 2025, the Respondent stated that the association Interessengemeinschaft Holdenweid no longer exists, whereas in his Response he stated that this association has never been officially dissolved. The Claimants state that this association is inactive, but do not assert that this association has been officially dissolved. On the website posted under the disputed domain name it is stated that this association “is no longer active” but that this website continues to be operated by the Respondent. Based on the available record, the Expert therefore concludes that this association still exists but is no longer active, and that the disputed domain name is currently being used by the Respondent.

Conflicts between distinctive signs are governed by the principle that the earlier sign enjoys priority; this principle also applies in the case of conflicts between different types of signs, such as e.g., between names of foundations and associations, company names, and domain names (Müller/Simon, Handbuch kollidierende Kennzeichen, 2nd ed. 224, p. 146).

In the present case, the disputed domain name was registered on April 6, 2017, i.e., before the name Stiftung Holdenweid was registered on May 5, 2020, and before the company name Impulszentrum Holdenweid GmbH was registered on December 20, 2024. The name of the association Interessengemeinschaft Holdenweid is protected by Art. 29 CC. Because this association was founded years before the Claimants were established, the name of the association has priority over the Claimants’ name and company name, respectively.

Therefore, due to the lack of prior rights, the Claimants cannot base their claim on these distinctive signs (*Julius Meinl AG v. Roger Meinl, OutLog AG*, WIPO Verfahren Nr. [DCH2024-0006](#)).

Any claims based on Article 3 para. 1 lit. d UCA require priority of use (Marbach/Ducrey/Wild, Immaterialgüter- und Wettbewerbsrecht, 4<sup>th</sup> ed. 2017, no. 1230). Because the disputed domain name was registered and used even before the Claimants were established, Claimants cannot base their claim on unfair competition. Moreover, the Respondent placed on the website posted under the disputed domain name a prominent link to the Claimants’ website to dispel any risk of confusion.

Furthermore, although being part of the Claimants’ name and company name, respectively, the sign “Holdenweid” primarily identifies a large estate owned by the Canton Basel-Stadt which has been known under this name for centuries and therefore does not exclusively identify the Claimants.

Therefore, the Expert is of the opinion that the allocation or use of the domain name does not constitute a clear infringement of a Right in a distinctive sign which the Claimants own under the law of Switzerland.

## **7. Expert Decision**

For the above reasons, the Request is denied.

*/Andrea Mondini/*

**Andrea Mondini**

Expert

Dated: December 22, 2025