

ADMINISTRATIVE PANEL DECISION

Migros-Genossenschafts-Bund v. Ivan Spasenovic
Case No. DCO2025-0086

1. The Parties

The Complainant is Migros-Genossenschafts-Bund, Switzerland, represented by SILKA AB, Sweden.

The Respondent is Ivan Spasenovic.¹

2. The Domain Name and Registrar

The disputed domain name <migros.co> is registered with Xiamen ChinaSource Internet Service Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 1, 2025. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 amendment to the Complaint in English on October 13, 2025.

On October 9, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On October 13, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

¹ The Registrar verified that the Respondent's region is shown as “其他” (meaning “Other”) in the Whois database.

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

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Chinese and English of the Complaint, and the proceedings commenced on October 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 6, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on November 18, 2025. 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 retail cooperative founded in 1925. It is the largest retailer in Switzerland and one of the largest retailers in the world. It operates a chain of supermarkets under the MIGROS brand, among other businesses. It owns multiple trademarks in multiple jurisdictions, including the following:

- International trademark registration number 315524 for a semi-figurative MIGROS mark, registered on June 23, 1966, designating multiple jurisdictions and specifying goods in multiple classes; and
- International trademark registration number 397821 for MIGROS, registered on March 14, 1973, designating multiple jurisdictions, including China, and specifying goods in multiple classes.

The above trademark registrations are current. The Complainant also registered the domain name <migros.ch> prior to 1996, that it has used since that time in connection with a website where it provides information about itself and its products, as well as an online store. The Complainant also owns other domain names containing the MIGROS trademark, including <migros.com>, registered in 1998, which redirects to <migros.ch>.

The Respondent is an individual, with a Serbian contact telephone number and a contact street address in Belgrade, Serbia, accompanied by the region “其他” (meaning “Other”). According to information provided by the Complainant, the Respondent has been party to prior domain name dispute resolution proceedings. See *Amadeus IT Group, S.A. v Ivan Spasenovic, Gruppo Via del Corso Ltd*, WIPO Case No. [D2025-2186](#); *Kinsta Inc. v Ivan Spasenovic, Ivan-Spasenovic*, WIPO Case No. [DCO2025-0010](#).

The disputed domain name was registered on August 26, 2025. It is parked at a webpage in English hosted by a domain name broker, where it is offered for sale for USD 1,988.

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 or confusingly similar to the Complainant's MIGROS mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized the Respondent to use its well-known MIGROS mark for any reason or in any manner, including in or as part of the disputed domain name. Likewise, the Complainant is not affiliated or otherwise connected with the Respondent. The term “Migros” does not appear to have any meaning in English or Chinese. The Respondent has engaged in a pattern of abusive domain name registrations.

The disputed domain name has been registered and is being used in bad faith. It only reproduces the Complainant’s well-known MIGROS mark and is almost identical to the Complainant’s own domain name. It is only parked at a webpage offering it for sale. The disputed domain name has been set up with Mail Exchange (“MX”) records, which suggests that the Respondent intended to create email addresses with it.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and the amendment to the Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant has no knowledge of Chinese, translation of the Complaint into Chinese would impose a significant burden on it, it is likely that the Respondent is able to communicate in English because he has chosen an English-language website to offer the disputed domain name for sale.

Despite the Center having forwarded an email regarding the language of the proceeding and the formal notification of the Complainant in both English and Chinese, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time, and costs. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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 and is being used in bad faith.

The burden of proof of each element is borne by 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 trademark and the disputed domain name. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the MIGROS trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the MIGROS mark is reproduced within the disputed domain name as its sole operational element. The only additional element is a country code Top-Level Domain ("ccTLD") extension (".co" for Colombia) which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is parked at a webpage where it is merely offered for sale. In the Panel's view, this circumstance does not indicate that the disputed domain name is being used in connection with a bona fide offering of goods and services. Nor is this a legitimate noncommercial or fair use of the disputed domain name. Moreover, the disputed domain name is identical to the Complainant's MIGROS mark, which creates a high risk of implied affiliation with the Complainant. See [WIPO Overview 3.0](#), section 2.5.1. The Complainant has confirmed that it has not in fact authorized the Respondent to use its mark, and that there is no connection between the Parties.

Further, the Registrar has verified that the Respondent's name as listed in the Whois database is "Ivan Spasenovic", which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. The first circumstance is as follows:

“(i) circumstances indicating that [the respondent has] registered or [the respondent has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent’s] documented out-of-pocket costs directly related to the [disputed] domain name;”

In the present case, the disputed domain name was registered in 2025, decades after the registration of the MIGROS mark. The disputed domain name is identical to that mark, which is a coined term with no apparent meaning. The disputed domain name differs from the domain names <migros.ch> and <migros.com>, which resolve and redirect to the Complainant’s online store, by only the TLD extension. The Respondent provides no explanation for his choice to register the disputed domain name. Accordingly, the Panel finds it more likely than not that the Respondent knew of the MIGROS mark when he registered the disputed domain name.

As regards use, the disputed domain name is parked at a webpage where it is merely offered for sale for a price of USD 1,988. The Panel considers this amount likely in excess of the Respondent’s out-of-pocket costs directly related to the disputed domain name. The Respondent has made no other use of the disputed domain name. Accordingly, these circumstances fall within the terms of paragraph 4(b)(i) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For 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 <migros.co> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: November 29, 2025