

## **PANEL DECISION**

OPENLANE Europe NV, OPENLANE, Inc. v. Bogdan Livezeanu  
Case No. DEU2025-0010

### **1. The Parties**

The Complainants are OPENLANE Europe NV, Belgium, and OPENLANE, Inc., United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Bogdan Livezeanu, Romania.

### **2. The Domain Names, Registry and Registrar**

The Registry of the disputed domain names <openlane-italia.eu>, <openlane-prv.eu> and <prv-openlane.eu> is the European Registry for Internet Domains ("EURid" or the "Registry"). The Registrar of the disputed domain name is Romarg Srl (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 21, 2025. On March 24, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain names. On March 26, 2025, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the disputed domain names.

The Center verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 31, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on April 29, 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 ADR Rules, Paragraph B(5).

#### 4. Factual Background

The first Complainant, OPENLANE Europe NV, is a fully owned subsidiary of the second Complainant, OPENLANE, Inc. The second Complainant is headquartered in Carmel, Indiana, United States, and is a provider of digital automotive marketplaces and technology platforms bringing together the leading OEMs, dealers, fleet operators, rental companies, and financial institutions.

The second Complainant is owner of numerous OPENLANE trademarks, such as:

- European Union ("EU") registration no. 018868545 for the word mark OPENLANE, registered on September 12, 2023;
- United Kingdom registration UK00003906284 for the word mark OPENLANE registered on July 21, 2023;
- United States registration 4268846 for the word mark OPENLANE, registered on January 1, 2013; and
- Canadian registration TMA757102 for the word mark OPENLANE, registered on January 15, 2010.

The Complainants operate their official website under the domain name <openlane.com> and under the domain name <openlane.eu> in Europe.

The disputed domain names <openlane-prv.eu> and <prv-openlane.eu> were both registered on July 10, 2024, and the disputed domain name <openlane-italia.eu> was registered on November 7, 2024. The disputed domain name <openlane-prv.eu> is redirected to the Complainants' official website, while the disputed domain names <prv-openlane.eu> and <openlane-italia.eu> are not used actively.

#### 5. Parties' Contentions

##### A. Complainant

The Complainants state that the disputed domain name registrations fulfil all criteria pursuant to Paragraph B(11)(d)(1) of the ADR Rules.

The Complainants contend that the disputed domain names are confusingly similar to their trademark OPENLANE, since they each capture the mark in its entirety and simply add a hyphen and a generic term to the trademark.

Furthermore, the Complainants claim that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not sponsored by or affiliated with the Complainants nor is the Respondent commonly known by the disputed domain names.

Finally, the Complainants state that disputed domain names were registered in bad faith since the Respondent has created domain names that are confusingly similar to the Complainants' trademark, as well as to the <openlane.eu> domain name. The Complainants further state that the disputed domain names are used in bad faith. The disputed domain name <openlane-prv.eu> redirects to the Complainants' official website without their consent. The disputed domain names <openlane-prv.eu> and <openlane-italia.eu> are used to resolve or redirect to inactive websites and the Respondent has set up MX records on both domain names. Both factors amount to bad faith use under the ADR Rules.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1 Procedural Issues**

The applicable ADR Rules do not directly contemplate the consolidation of multiple complainants in a single complaint. Panels look at whether: (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar way, and (ii) it would be equitable and procedurally efficient to permit the consolidation. In this case, the first Complainant, OPENLANE Europe NV, is a wholly owned subsidiary of the second Complainant, OPENLANE, Inc. Therefore, they share a common legal interest in the trademarks held by the second Complainant, and therefore they have a common interest in this proceeding and share a common grievance.

The Panel finds that in this case the consolidation would be equitable and procedurally efficient; therefore the Panel accepts the consolidation of the Complainants.

### **6.2 Substantive Issues**

Pursuant to Paragraph B(11)(d)(1) of the ADR Rules the Panel shall issue a decision granting the remedies requested by the Complainants in the event that the Complainants proves the following elements:

- (i) the domain names are identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and either;
- (ii) the domain names have been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) the domain names have been registered or are being used in bad faith.

#### **A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law**

The Complainants have provided evidence that they are owners of multiple trademarks OPENLANE, including an EU registration.

It is evident that the disputed domain names consist of the Complainants' OPENLANE trademark, in combination with the terms "prv" and "italia" respectively as well as a hyphen, and thus that the disputed domain names are confusingly similar to the Complainants' OPENLANE trademark.

The ".eu" Top-Level Domain is typically disregarded for the purposes of the comparison with the Complainants' trademarks on the basis that it is a standard technical requirement for registration.

Therefore, the requirements under the first element of Paragraph B(11)(d)(1)(i) of the ADR Rules were met.

## **B. Rights or Legitimate Interests**

Under Paragraph B(11)(e) of the ADR Rules, rights or legitimate interests may be demonstrated where:

- (i) prior to any notice of the dispute, the respondent has used the disputed domain name or a name corresponding to the domain name in connection with the offering of goods and services or has made demonstrable preparations to do so;
- (ii) the respondent, being an undertaking, organization or natural person, has been commonly known by the domain name, even in absence of a right recognised or established by national and/or European Union law; and
- (iii) the respondent is making a legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognised or established by national and/or European Union law.

While the overall burden of proof in ADR Rules proceedings lies with the complainant, panels have acknowledged that proving a respondent lacks rights or legitimate interests in a domain name can often result in the challenging task of “proving a negative,” which requires information typically within the respondent’s knowledge or control. Consequently, when a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to provide relevant evidence demonstrating their rights or legitimate interests in the domain name. If the respondent fails to present such evidence, the complainant is deemed to have satisfied the second element.

The Complainants have not granted the Respondent any permission, license, or authorization to use the Complainants’ trademark in any capacity, including as part of domain names, just as it is clear that the Respondent is not commonly known by the disputed domain names.

While two of the disputed domain names, namely <prv-openlane.eu> and <openlane-italia.eu>, are not used actively, the disputed domain name <openlane-prv.eu> is redirected to the Complainants’ official website without their consent. The Respondent is therefore not using any of the disputed domain names to provide a bona fide offering of goods or services as allowed under Paragraph B(11)(e)(1) of the ADR Rules, nor a legitimate noncommercial or fair use as allowed under Paragraph B(11)(e)(3) of the ADR Rules.

The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain names and that the Complainants have satisfied the condition set out at Paragraph B(11)(d)(1)(ii) of the ADR Rules.

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

As the two conditions stipulated in Paragraph B(11)(d)(1)(i) and (ii) of the ADR Rules have already been fulfilled, the Panel does not need to examine whether the Respondent has registered or is using the disputed domain names in bad faith, under Paragraph B(11)(d)(1)(iii) of the ADR Rules, since the conditions stipulated in Paragraphs B(11)(d)(ii) and (iii) of the ADR Rules are considered alternate bases for a successful complaint.

However, since the Complainants have put forward facts and arguments to support a claim that the Respondent has registered or is using the disputed domain names in bad faith, the Panel has used its discretionary powers to address these issues as well.

Based on the facts of the case as described in the previous paragraphs, the Panel finds that it is obvious that the Respondent knew of and targeted the Complainants’ trademark when he registered and started using the disputed domain names. The Panel that finds that finds that the conditions of the bad faith stipulated in Paragraph (B)(11)(d)(1)(iii) of the ADR Rules have been met.

## 7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain names, <openlane-italia.eu>, <openlane-prv.eu> and <prv-openlane.eu> be transferred to the Complainant<sup>1</sup>.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: May 13, 2025

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<sup>1</sup> (i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) The Complainants have requested that the disputed domain names be transferred to the first Complainant, OPENLANE Europe NV, and since the first Complainant is an organization that is “established in the Union”, the Panel finds that it satisfies the general eligibility criteria for registration of the disputed domain names set out in Article 3 of the Regulation (EU) 2019/517. Therefore, the Complainant OPENLANE Europe NV is entitled to request the transfer of the disputed domain names.