

## PANEL DECISION

Prowinch LLC, Prowinch Europe S.r.l. v. Ireneusz Bachurski INFO-BI  
Case No. DEU2026-0011

### 1. The Parties

The Complainants are Prowinch LLC, United States of America and Prowinch Europe S.r.l., Italy, represented by Edoardo Fano, Italy.

The Respondent is Ireneusz Bachurski INFO-BI, Poland.

### 2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <prowinch.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is Realtime Register B.V.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 14, 2026. On March 16, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On March 18, 2026, 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.

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 19, 2026. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was April 8, 2026. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on April 14, 2026.

The Center appointed Peter Kružliak as the sole panelist in this matter on April 23, 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 ADR Rules, Paragraph B(5).

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

The Complainants belong to the Prowinch Group, a global leader in the design, manufacturing, and distribution of industrial lifting solutions. Prowinch LLC was established in 2011 and has been operating in Europe during the last 15 years. Prowinch Europe S.r.l., was incorporated on October 15, 2025 and has been active from January 1, 2026. The Complainants are hereafter referred to as "Complainant".

At the same time, the Complainant has registered a large number of trademarks worldwide containing the word element PROWINCH, including

- European Union (EU) trade mark No 010509271 for PROWINCH (figurative), applied for on December 20, 2011 and registered on May 18, 2012 for services in Class 35;
- EU trade mark No 018608703 PROWINCH R (figurative), applied for on November 25, 2021 and registered on March 19, 2012 for goods in class 7.

(hereinafter collectively referred to as the "PROWINCH Trademarks")

The Complainant actively operates also on the Internet at the main website under the domain name <prowinch.com>, but also at other domain names.

The disputed domain name was registered on January 16, 2026. At the date of the Complaint and at the time of the Decision, the disputed domain name referred to a website offering the disputed domain name for sale.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant submits that all conditions for the transfer of the disputed domain name to Prowinch Europe S.r.l. are met.

In connection with the first prerequisite, the Complainant submits that PROWINCH is a name to which it has a right recognised or established by the law of the European Union. The disputed domain name is identical to the Complainant's trademark PROWINCH, as well as to the Complainant's companies name, its main website at "www.prowinch.com", and its several other websites and registered domain names for "prowinch".

With respect to the second premise, the Complainant alleges that the Respondent has no rights or legitimate rights in the disputed domain name, since the Respondent has not obtained any license from the Complainant and is not affiliated with the Complainant. There is no evidence to suggest that the Respondent is commonly known by the disputed domain name.

The Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services nor is the Respondent currently making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers. The disputed domain name is offered for sale on a third party website and the Respondent has registered the disputed domain name identical to the Complainant's trademark to offer it for sale for profit.

The composition of the disputed domain name, being identical to the Complainant's trademark PROWINCH, carries a risk of implied affiliation and the Respondent has engaged in a pattern of trademark-abusive domain name registrations.

As to the third claim, the Complainant submits that due to the distinctive nature of the Complainant's trademark PROWINCH and its continuous and extensive use worldwide since 1995, the Respondent could not credibly argue that it did not have prior knowledge of the Complainant's trademark PROWINCH when it registered the disputed domain name, identical to the Complainant's trademark, on January 16, 2026.

The disputed domain name is also used in bad faith, as it was registered primarily for the purpose of selling it, trying to capitalize on the reputation of the Complainant's trademark PROWINCH, and in order to prevent the Complainant, holder of the name PROWINCH in respect of which a trademark right is recognized by the European Union law, from reflecting this name in a corresponding domain name, also considering the Respondent's pattern of trademark-abusive domain name registration.

The Complainant also submits that the nature of the inherently misleading disputed domain name, being identical to the Complainant's trademark PROWINCH, further supports a finding of bad faith registration and use.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Consolidation of Multiple Complainants**

The applicable ADR Rules do not directly contemplate the consolidation of multiple complainants in a single complaint. Prior panels in similar cases involving multiple complainants rendered decisions based on the consensus view developed in the Uniform Domain Name Dispute Policy ("UDRP") proceedings and accepted a complaint filed by more than one complainant against a single respondent. See *Vitalen Otomotiv A.Ş and Vitalen Technology GmbH v. Faith Ünsal*, WIPO Case No. [DEU2022-0001](#) and *BGIN Trading Limited and BGIN EU Limited v. Michal Beno*, WIPO Case No. [DEU2025-0038](#). In the present case, the Complainants are affiliated with each other and have a common interest in the PROWINCH Trademarks (which, incidentally, appears in both of their company names) for the purposes of the ADR Rules. Consequently, the Respondent's use of the disputed domain name affects their rights in a similar manner. The Panel finds that there is sufficient nexus to allow them to bring this Complaint as joint complainants.

### **6.2 Substantive Issues**

The Complainant's success in these proceedings presupposes that it has established the following facts in accordance with paragraph B11(d)(1) of the ADR Rules in conjunction with Article 4(4) of Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the establishment and functioning of the .eu Top Level Domain Name, amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 ("Regulation 2019/517"):

- (i) the domain name is identical or confusingly similar with a name for which there is a right recognised or established in the national law of an EU Member State and/or in EU law; and that either
- (ii) the Respondent has registered the domain name without any rights or legitimate interests in the domain name; or
- (iii) the domain name has been registered or is being used in bad faith.

Given the similarities between the ADR Rules and the UDRP, the Panel also considers relevant in this case the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), as well as the decisions issued by the panels in cases considered under the UDRP Rules.

#### **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 first prerequisite that the Complainant must prove is that the disputed domain name is identical or confusingly similar with a name for which there is a right recognised or enshrined in the national law of an EU Member State and/or in EU law.

The Complainant has demonstrated in these proceedings that it is the owner of the PROWINCH Trademarks. The textual parts of the PROWINCH Trademarks are wholly contained in the disputed domain name. Since the design elements of the PROWINCH Trademarks do not comprise the dominant portion of the relevant mark, the PROWINCH Trademarks satisfy the requirement of a name, to which there is a right established in EU law.

The Panel further notes that, in accordance with settled rules of decision-making practice, Top-Level Domains, in this case “.eu”, are considered a standard requirement for domain registration and are not taken into account for the purposes of assessing identity or confusing similarity. [WIPO Overview 3.1](#), paragraph 1.11.

On the basis of the foregoing, the Panel finds that the first condition set out in paragraph B11(d)(1)(i) is satisfied where the disputed domain name are identical with the PROWINCH Trademarks as names for which there is a right recognised or established in the national law of a Member State and/or EU law.

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

The second prerequisite that the Complainant must prove is that the holder of the disputed domain name registered the disputed domain name without rights or legitimate interests. Pursuant to paragraph B11(e) of the ADR Rules, any of the following may establish the Respondent's right or legitimate interests in that domain name for the purposes of paragraph B11(d)(1)(ii):

- (1) the Respondent has used the domain name or a name corresponding to the domain name in connection with an offer of goods or services, or was demonstrably preparing to do so prior to any notice of alternative dispute resolution;
- (2) the Respondent, which is a company, organisation or natural person, was commonly known by the domain name, even in the absence of a claim recognised or established in the national law of an EU Member State and/or EU law;
- (3) the Respondent makes legitimate and non-commercial or reasonable use of the domain name without intent to mislead consumers or to harm the reputation of a name to which there is a right recognised or enshrined in the national law of an EU Member State and/or EU law.

Although under paragraph B11(d) of the ADR Rules, the Complainant has the overall burden of proving that the Respondent registered the disputed domain name without having a right or legitimate interest in the disputed domain name, panels have recognized that proving that a Respondent does not have a right or legitimate interest in a domain name can result in the difficult task of “proving a negative” requiring information that is often primarily within the Respondent's knowledge or control. Where the Complainant establishes prima facie that the Respondent does not have a right or legitimate interest, the burden of production in relation to this presumption shifts to the Respondent, who must produce relevant evidence demonstrating its right or legitimate interests in the domain name (although the burden of proof always remains with the Complainant). If the Respondent fails to produce such relevant evidence, the Complainant shall be deemed to have established that the second presumption has been met. [WIPO Overview 3.1](#), section 2.1, but also e.g. *Instagram, LLC and Meta Platforms Ireland Limited v. Ivan Novinarov*, WIPO Case No. [DEU2026-0006](#) or *Petrus v. Afro Alahid*, WIPO Case No. [DEU2026-0009](#).

Having examined the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent does not have a right or legitimate interest in the disputed domain name. The Respondent has not rebutted this prima facie showing by the Complainant in any way, nor has the Respondent produced any relevant evidence demonstrating a right or legitimate interests in the disputed domain name, such as those set out in the ADR Rules or otherwise.

Meanwhile, there is no evidence in the record that the Complainant permitted or licensed the Respondent to use the PROWINCH Trademarks in the disputed domain name. Nor does the record show any trademark registrations or other prior relevant rights of the Respondent corresponding to the disputed domain name, or that the Respondent is commonly known by the disputed domain name.

Lastly, it does not appear from the available record that the disputed domain name is a legitimate and non-commercial use of the disputed domain name or that it is used in a fair way. The Panel points out that the disputed domain name resolves to a website offering the disputed domain name for sale. Furthermore, the disputed domain name is identical to the PROWINCH Trademarks. In light of the consensus view under the UDRP, a domain name identical to the Complainant's trademark creates a high risk of an implied affiliation to the Complainant, which precludes a finding of possible legitimate and non-commercial or fair use of the disputed domain name. [WIPO Overview 3.1](#), section 2.5.1.

The Panel therefore finds that the requirements of paragraph B11(d)(1)(ii) of the ADR Rules are satisfied.

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

The Complainant has satisfied the requirements of paragraph B11(d)(1)(ii) of the ADR Rules, and it is therefore unnecessary for the Panel to examine the Complainant's allegations of bad faith registration or use of the disputed domain name by the Respondent.

However, for the sake of completeness, the Panel finds that the Complainant has provided sufficient arguments and evidence to show the Respondent's bad faith in registering or using the disputed domain name.

The Panel emphasizes that no connection of the PROWINCH Trademarks to the Respondent has been established and points to the reasoning in Section 6.B. that the disputed domain name fully contains the textual elements of the PROWINCH Trademark, and that the Respondent has not even attempted to allege, much less demonstrate, that it has a rights or legitimate interests in the disputed domain name. The website, to which the disputed domain name resolves, only offers the disputed domain name for sale, which supports the conclusion that the disputed domain name was intentionally used for commercial gain of the Respondent (paragraph B11(f)(4) of the ADR Rules Cf. [WIPO Overview 3.1](#), paragraph 3.1.1.)

Moreover, the Panel points out the pattern of abusive registration of the Respondent confirmed by earlier panel decisions, e.g. *STADA Arzneimittel AG v. Ireneusz Bachurski*, WIPO Case No. [D2021-4185](#); *BAL DU MOULIN ROUGE v. Ireneusz Bachurski Przedsiębiorstwo INFO-BI*, WIPO Case No. [D2024-5077](#); *JJA v. Ireneusz Bachurski, Ireneusz Bachurski Przedsiębiorstwo INFO-BI*, WIPO Case No. [DEU2024-0014](#); *Rödl Equity Partner Beteiligung GmbH & Co. KG, Prof. Dr. Christian Rödl, LL.M. (Columbia University, New York) v. Ireneusz Bachurski Przedsiębiorstwo INFO-BI*, WIPO Case No. [DEU2025-0018](#); and considers it an additional circumstance confirming bad faith on the part of the Respondent according to paragraph B)11(f)(2)(i) of the ADR Rules, as the disputed domain name has been registered to prevent the Respondent as the holder of a name in respect of which a right is established by European Union law, from reflecting this name in a corresponding domain name, based on a pattern of such conduct the Respondent has engaged in.

The Panel finds that the requirements of paragraph B11(d)(1)(iii) of the ADR Rules are therefore also satisfied

## 7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <prowinch.eu> be transferred to Prowinch Europe S.r.l.<sup>1</sup>

The Panel finds that the Complainant Prowinch Europe S.r.l. meets the general eligibility criteria for registration set out in Article 3 of Regulation (EU) 2019/517.

*/Peter Kružliak/*

**Peter Kružliak**

Sole Panelist

Date: May 7, 2026

---

<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.