

## **ADMINISTRATIVE PANEL DECISION**

Cummins Inc v. Kominzad Yadak Co.

Case No. DIR2026-0006

### **1. The Parties**

The Complainant is Cummins Inc, , United States of America (“United States”), represented by Saba & Co. IP, Lebanon.

The Respondent is Kominzad Yadak Co., Iran (Islamic Republic of).

### **2. The Domain Name and Registrar**

The disputed domain name <cummins.ir> is registered with IRNIC.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2026. On June 25, 2026, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain name. On June 26, 2026, IRNIC transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (hidden by the domain holder) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 2026, providing the registrant and contact information disclosed by the IRNIC, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 1, 2026.

Hard copies of the Complaint were received by the Center on July 27, 2026.

The Center verified that the Complaint and the amended Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir 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 July 29, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was August 18, 2026. The Respondent did not submit any response. On August 19, 2026, the Center notified the Respondent’s default.

The Center appointed Alistair Payne as the sole panelist in this matter on September 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, founded in 1919 as the Cummins Engine Company is based in the United States. It designs, manufactures, distributes, and services a broad range of power solutions, including diesel and alternative-fuel engines, generators, and related components and technologies. The Complainant has an extensive international footprint, selling its products and services in approximately 190 countries and territories through a network of more than 600 company-owned and independent distributors and thousands of dealer and service locations worldwide, including in the Islamic Republic of Iran.

The Complainant owns numerous trade mark registrations worldwide for the word mark CUMMINS and for its combined logo and CUMMINS word marks, including, in particular, Iranian trade mark registration 20400 for the word mark CUMMINS registered on June 26, 1960 and trade mark registration 51359 for the CUMMINS combined word and logo mark registered on April, 17, 1979. The Complainant is also the owner of several domain names and subdomains incorporating the CUMMINS mark, including but not limited to the following domain names: <cummins.com>, <social.cummins.com>, <dealer.cummins.com> and <helpform.cummins.com>.

The disputed domain name was registered on February 2, 2006. It does not resolve to an active website.

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

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

The Complainant submits that the disputed domain name wholly incorporates its CUMMINS word mark and is therefore identical to it.

The Complainant has also submitted that nothing in the Respondent's WHOIS information, or website, or the record demonstrates that the Respondent is commonly known by the disputed domain name. It says further that the Complainant has not authorised the Respondent to use the CUMMINS mark in any way and that the Respondent's name bears no resemblance whatsoever to the name "Cummins." The Complainant asserts that its trade marks are famous and well-known in the Islamic Republic of Iran and worldwide and that by using the CUMMINS mark without permission the disputed domain name creates the impression that it resolves to an authentic Iranian website for the Complainant, when this is not the case.

The Complainant notes that the disputed domain name in fact resolves to an inactive parking page and there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services. It says that the Respondent is not an authorised distributor or manufacturer of the Complainant's products and that there is no business relationship whatsoever between the Complainant and the Respondent.

As far as bad faith is concerned, the Complainant has submitted that the disputed domain name is not associated with any active website and that the Respondent is just keeping it to block the Complainant from acquiring it. The Complainant notes the passive holding doctrine, as applied in similar circumstances by the panel in *Metso Corporation v. li xiao dong*, WIPO Case No. [D2024-2170](#), and says that the Respondent is exploiting the Complainant's well-known CUMMINS mark in its entirety, is maintaining an inactive website and in spite of the Complainant's warning letter to the Respondent, the latter has refused to amicably resolve the dispute by transferring the disputed domain name to the Complainant. The Complainant submits that this conduct constitutes passive holding under the Policy and in terms of previous panel's findings and

clearly demonstrates the Respondent's bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has demonstrated that it owns registered trade mark rights for its CUMMINS mark as set out above. The Panel notes that the disputed domain name wholly incorporates the Complainant's mark and is therefore identical to the Complainant's registered CUMMINS trade mark. Accordingly, the Complaint succeeds under the first element of the Policy.

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

The Complainant has submitted that nothing in the Respondent's WHOIS information, or website, or the record demonstrates that the Respondent is commonly known by the disputed domain name and that it has not authorised the Respondent to use the CUMMINS mark and that the Respondent's name bears no resemblance to the name "Cummins." The Complainant has also asserted, albeit without supporting evidence, that its CUMMINS trade mark is well-known in the Islamic Republic of Iran and worldwide and that by using the CUMMINS mark without permission the Respondent has created the false impression that the disputed domain name resolves to an authentic Iranian website authorised by the Complainant, when this is not the case. The Complainant has also submitted that the Respondent is neither an authorised distributor nor a manufacturer of the Complainant's products and that there is no business relationship between them. Finally, the Panel notes that the disputed domain name does not resolve to an active webpage and that there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services.

Having reviewed the available record, the Panel finds that 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. The Panel therefore finds that the second element of the Policy has been established.

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

Under the Policy the Complainant must demonstrate that the disputed domain name has either been registered or used in bad faith by the Iran based Respondent.

Although the disputed domain name was registered on February 2, 2006, the date of the Complainant's CUMMINS trade mark registrations in the Islamic Republic of Iran precede it by many years. The name "Cummins" does not appear to be a typical name in the Islamic Republic of Iran. It has a high degree of distinctiveness in relation to the services offered by the Complainant and appears to enjoy some degree of reputation based on the Complainant's long-established business use of its mark in that country and internationally. The Respondent has not explained his registration of the disputed domain name in any way and having masked its name and address details upon registration, it seems to the Panel that it is more likely than not that the Respondent registered the disputed domain name with knowledge of the Complainant's mark and business.

Panels under the Uniform Domain Name Dispute Resolution Policy (“UDRP”) have found that the non-use or passive use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding (see WIPO Overview of WIPO Panel Views on Select UDRP Questions, (“[WIPO Overview 3.1](#)”), section 3.3.) The Panel notes that the Policy is, to an extent, based upon the UDRP with some differences, but that otherwise the principles established by panels in interpreting the UDRP are apposite. The Panel thus, finds it appropriate to refer to UDRP jurisprudence, including reference to the [WIPO Overview 3.1](#).

Having reviewed the available record, the Panel finds that the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will generally look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes the longstanding and established international business and apparent reputation of the Complainant, the early and longstanding date of its trade mark registrations for its CUMMINS mark in the Islamic Republic of Iran, the Respondent’s absence of any reply to the before action letter or to the Complainant’s contentions in these proceedings and the absence of any evidence of any good faith use of the disputed domain name by the Respondent, in addition to the Respondent’s concealment of its identity. In these circumstances the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy and 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 <cummins.ir> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: September 10, 2026