

## **ADMINISTRATIVE PANEL DECISION**

Shandong Lingong Construction Machinery Co., Ltd. v.  
EUROEST GRUP S.R.L.  
Case No. DMD2025-0002

### **1. The Parties**

The Complainant is Shandong Lingong Construction Machinery Co., Ltd., China, represented by King & Wood Mallesons, China.

The Respondent is EUROEST GRUP S.R.L., Republic of Moldova ("Moldova").

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

The Disputed Domain Name <sdlg.md> is registered with Information Technology and Cyber Security Service (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 23, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details and disclosing additional contact information for the Disputed Domain Name which differed from the contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 2025, 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 amended Complaint on July 25, 2025.

On July 28, 2025, the Center informed the parties in Romanian and English, that the language of the registration agreement for the disputed domain name is Romanian. On August 1, 2025, the Complainant requested English to be the language of the proceeding. The Respondent sent an email in English on August 1, 2025, requesting all documents to be provided in Romanian.

The Center verified that the Complaint together with the amended 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 of the Complaint, and the proceedings commenced on August 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2025. The Respondent sent email communications to the Center on July 24 and August 1, 2025. Accordingly, the Center notified the Parties of commencement of panel appointment process on August 25, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on August 28, 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, established in China in 1972, is a manufacturer of construction machinery, listed in China’s Top 100 Enterprises in Mechanical Industry and recognized as a national level high-tech enterprise. The Complainant produces more than 100 kinds of products in three categories, namely, loaders, excavators and pavement construction machinery. The Complainant currently maintains multiple production facilities and dozens of marketing and service outlets in over 130 countries and regions around the world, including in Moldova.

The Complainant has received numerous awards and accolades in its industry, including the European Quality Award on October 24, 2019.

The Complainant owns trademark registrations for SDLG, such as the International trademark registration number 1004853 for SDLG (figurative), registered on February 18, 2009, designating many jurisdictions including Moldova, and covering goods and services in International classes 7, 12, 35 and 37.

The Complainant’s official website is available at <sdlg.com>, registered on July 1, 2001.

The Complainant submitted, as Annex 9 to the Complaint, several copies of sale contracts concluded with Moldovan companies, in 2018 and 2019, for the sale of wheel loaders.

The Disputed Domain Name was registered on September 19, 2019, and, at the time of filing of the Complaint, it was used in relation to a commercial website in Russian language, offering for sale purported SDLG branded products, and also using unauthorized copies of the Complainant’s official trademark, logo, product images and descriptions. Also, on the website under the Disputed Domain Name, the Respondent presents itself to be an official representative of the Complainant, and was claiming to “provide warranty service under the manufacturer’s license”, whereas the Complainant does not provide technical support or after-sale service for products sold through unofficial channels.

#### **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 Complainant's pillar products are rated as China Famous-brand Product and Famous Trademark of China;
- SDLG is a highly distinctive mark in respect of the Complainant's goods and services,
- the Disputed Domain Name is identical or confusingly similar to the Complainant's trademark SDLG as it consists of the Complainant's mark and the country code Top-Level Domain ("ccTLD") ".md", which can be disregarded for purposes of the UDRP;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name since the Disputed Domain Name does not comprise the legal name of the Respondent and is not a name, surname or other reference by which the Respondent is commonly identified;
- the Respondent did not receive any license, permission or other right to use or register any domain name incorporating the Complainant's SDLG mark;
- it is inconceivable that the Respondent had not heard of the Complainant or its trademarks and products/services at the time it registered the Disputed Domain Name, particularly given the global fame of the Complainant and its SDLG mark and also the use of the website under the Disputed Domain Name in relation to selling the Complainant's products;
- the Disputed Domain Name has been registered and is used in bad faith, since it fully incorporates the Complainant's mark, and was used in connection with a website which displays the Complainant's logo, official images and texts, is selling the Complainant's SDLG products, and also falsely representing itself as an official representative of the Complainant and claims to "provide warranty service under the manufacturer's license" whereas there is no relationship which would give rise to any license, permission, or other right to the Respondent to register and use the Disputed Domain Name, or any domain name incorporating the Complainant's SDLG mark, and the Complainant does not provide technical support, or after-sale service, for products sold through unofficial channels, such as the Disputed Domain Name;
- the use by the Respondent of the Complainant's SDLG mark in the Disputed Domain Name in combination with its use of the Disputed Domain Name to resolve to the website which sells the Complainant's loaders and other goods, displays the Complainant's SDLG mark, logo, slogan and content from the Complainant's website is bound to cause confusion and lead consumers to falsely believe that the Respondent or its website is affiliated with, sponsored or licensed by the Complainant;
- the Complainant contacted the Respondent to seek voluntary cancellation of the Disputed Domain Name, but no resolution was achieved. The Respondent's email response of May 13, 2025, is provided as Annex 2 to the Complaint.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions, however, it filed two submissions one in Romanian and one in English mainly stating that it does not agree with the Complaint; the Complaint was brought after seven years from the registration of the Disputed Domain Name; also "we make advertisement for SDLG and they should pay for this"; and that the Respondent is willing to negotiate a price with the Complainant, for the transfer of the Disputed Domain Name.

## **6. Discussion and Findings**

### **6.1. Preliminary Procedural Issue: Language of Proceedings**

The language of the Registration Agreement for the Disputed Domain Name is Romanian.

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 was filed in English. The Complainant requested that the language of the proceeding be English for the main following reasons: (i) the correspondence with the Respondent, prior to filing the Complaint, was conducted in English; (ii) the Respondent's English proficiency is further supported by the content on the website under the Disputed Domain Name where the Respondent provided information in English, or translated, from English into Romanian (in fact, the Panel notes, that, according to the evidence of use of the Disputed Domain Name at filing, it resolved to a website in Russian language), various texts with technical product description from the Complainant's website, as well as the list of business partners listed on the website under the Disputed Domain Name, which reflects multinational manufacturers, thus implying that the Respondent is conducting cross-border transactions with these entities and necessitates English communication skills.

The Respondent sent an email in English requesting to receive the case related documents in Romanian.

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.

The Complainant and its representative are Chinese companies. Accordingly, neither the Complainant nor its representative, are able to understand and to communicate in Romanian. Noting also the outcome of the case, it would have caused an unwarranted delay in ordering the Complainant to translate the Complaint.

The Panel further notes that the Center notified the Parties in Romanian and English of the language of the proceedings, as well as of the Complaint and commencement of the proceedings.

The Respondent requested translation of the documents into Romanian, however noting that the Respondent sent the email in English and that the Parties communicated in English prior to this proceeding, the Panel finds that the Respondent is able to understand and communicate in English language.

The Panel is familiar with both, Romanian and English, making the Panel capable of understanding a response in Romanian if the Respondent had filed one.

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.

## **6.2. Substantive Issue: Three Elements**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

### **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. [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the SDLG mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 the 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. [WIPO Overview 3.0](#), section 2.1.

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. The Respondent simply claims it does advertisement for the Complainant and it should be paid for these services.

According to the evidence, the Respondent has used the Disputed Domain Name in connection with a website purportedly promoting and offering for sale goods of the Complainant, displaying the Complainant’s trademark, logo, and official product description and images, without providing any accurate and prominent disclaimer regarding the relationship between the Respondent and the Complainant, to the contrary, falsely claiming to be an official distributor of the Complainant. The Panels have held that the use of a domain name for illegal activity (such as claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Even if the goods were not counterfeit, given the overall impersonating nature of the Disputed Domain Name (both in its composition and website content that provides false information), such use cannot confer rights or legitimate interests upon the Respondent. [WIPO Overview 3.0](#), section 2.8.1.

The Panel also notes that the composition of the Disputed Domain Name itself carries a high risk of implied affiliation given that it reproduces exactly the Complainant’s distinctive trademark. UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that the Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant’s trademark predates the registration of the Disputed Domain Name by almost 10 years, has acquired international reputation in its

industry and the composition of the Disputed Domain Name itself, reproducing exactly SDLG trademark. Further, the use of the Disputed Domain Name reinforces such finding.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Creating a website displaying the Complainant's trademark and logo, products pictures and technical descriptions, and falsely claiming to be an official distributor of the Complainant's goods and services, in this Panel's view, the Respondent has intended to attract Internet users accessing the websites corresponding to the Disputed Domain Name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain. This activity may also disrupt the Complainant's business and tarnish its trademarks.

Also, the use of a domain name for illegal activity such claimed impersonation/passing off can never confer rights or legitimate interests on a respondent and it is considered evidence of bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <sdlg.md> be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: September 8, 2025