

ADMINISTRATIVE PANEL DECISION

VKR Holding A/S v. Martien Brouwer
Case No. DNL2025-0010

1. The Parties

The complainant is VKR Holding A/S, Denmark, represented by CSC Digital Brand Services AB, Sweden, (the “Complainant”).

The registrant of the disputed domain name is Martien Brouwer, Netherlands (Kingdom of the), (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <velux-dakraam.nl> (“the Disputed Domain Name”) is registered with SIDN through Realtime Register (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 2025. On March 27, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On March 28, 2025, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to Complainant on March 28, 2025, providing the information disclosed by SIDN, and inviting Complainant to amend the Complaint in this light. Complainant filed an amended Complaint on April 1, 2025.

The Center verified that Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified Respondent of the Complaint and the proceedings commenced on April 2, 2025. In accordance with the Regulations, article 7.1, the due date for Response was April 22, 2025. The Center did not receive any response. Accordingly, the Center notified Respondent’s default on April 25, 2025.

The Center appointed Moïra Truijens as the panelist in this matter on April 28, 2025. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

Complainant is the parent company of the VKR Group, which, through its subsidiaries the Velux Group and the Dovista Group, produces a range of products including roof windows and skylights. The founder of the VKR Group invented the Velux window in the 1940s. The group employs approximately 12,000 employees in 37 countries.

Complainant owns the following VELUX trademarks (hereafter “the VELUX trademarks”), among others:

- VELUX: EUTM with registration number 000955609, registered on March 31, 2000, in Nice classes 6, 7, 9 and 11;
- VELUX: EUTM with registration number 000651869, registered on July 16, 2004, in Nice classes 6, 9, 16, 19, 20, 22, 24, 37, 41 and 42; and
- VELUX (& Device): EUTM with registration number 006559132, registered on October 30, 2008, in Nice classes 16, 25, 41.

Complainant promotes its Velux-branded products via the website at the domain name <www.velux.com>, and has further registered its VELUX trademarks in a variety of country code Top-Level Domains (“ccTLDs”), enabling users access to Complainant’s services with region specific information. For example, Complainant has provided information about its Velux brand to the Dutch region since 1998 from the website at the domain name <www.velux.nl>.

The Disputed Domain Name was registered on April 15, 2021. The Disputed Domain Name hosts a website featuring advertising links to goods and services that compete with Complainant’s offering.

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to the VELUX trademarks, as it incorporates the VELUX trademarks in their entirety with the addition of ccTLD “.nl”. Complainant states that the addition of the ccTLD “.nl” in the Disputed Domain Name can be disregarded because it is a technical registration requirement. Complainant further states that Respondent’s addition of a hyphen after the VELUX trademark does nothing to distinguish the Disputed Domain Name from Complainant’s trademarks.

Complainant additionally claims that the confusing similarity is further enhanced by the addition of the word “dakraam”, as that is the Dutch term for “skylight” which is intrinsic to Complainant and its services.

Additionally, Complainant points out that Respondent’s use of the Disputed Domain Name contributes to the confusion. Respondent is using the Disputed Domain Name to host a website that fraudulently claims to be affiliated with Complainant by claiming to offer Complainant’s services, which suggests that Respondent intended the Disputed Domain Name to be confusingly similar to Complainant’s trademark as a means of furthering consumer confusion. Although the content is usually disregarded under the first element, Complainant pleads that Panels have “taken note of the content of the website associated with a domain name to confirm confusing similarity where it appears prima facie that the respondent seeks to target a trademark through the disputed domain name”.

Complainant further claims that Respondent has no rights to or legitimate interests in the Disputed Domain Name. Complainant has never granted Respondent any right to use the VELUX trademarks in the Disputed Domain Name. Additionally, Complainant asserts that the pertinent Whois information does not identify Respondent, therefore there is no evidence to suggest Respondent may be commonly known by the Disputed Domain Name. Complainant states this is further enhanced since Respondent was using a privacy Whois service.

Complainant further contends that the Disputed Domain Name was registered and is being used in bad faith. As Complainant's VELUX trademarks are known internationally, and the associated goods and services have been marketed using these trademarks for, in some cases, decades, and certainly before registration of the Disputed Domain Name. Complainant states that given the similarity between the Disputed Domain Name and the VELUX trademarks, Complainant holds that it is highly unlikely that Respondent would have chosen to register the Disputed Domain Name without being aware of Complainant's brand and business, and intending to target Complainant. Therefore, Complainant holds that Respondent has registered the Disputed Domain Name in an attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the VELUX trademarks and is using the website associated with the Disputed Domain Name to give the impression of association with Complainant and its services.

Complainant claims that Respondent is making neither a bona fide offering of goods or services nor a legitimate, noncommercial fair use of the Disputed Domain Name. On the website available at the Disputed Domain Name, Respondent offers and attempts to sell the products of Complainant, therefore, claiming to be connected to affiliated with or authorized by Complainant themselves.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations, Complainant must prove each of the following three elements:

a. the Disputed Domain Name is identical or confusingly similar to:

I) a trademark, or trade name, protected under Dutch law in which Complainant has rights; or

II) a personal name registered in the General Municipal Register ("Gemeentelijke Basisadministratie") of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which Complainant undertakes public activities on a permanent basis; and

b. Respondent has no rights to or legitimate interests in the Disputed Domain Name; and

c. the Disputed Domain Name has been registered or is being used in bad faith.

In accordance with article 10.3 of the Regulations, the Panel shall determine the admissibility, relevance, and weight of the evidence submitted; if no response has been submitted, the Panel shall rule on the basis of the Complaint; and the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or in fact.

A. Identical or Confusingly Similar

Complainant has shown registered rights in the VELUX trademarks under the Regulations. The Disputed Domain Name incorporates the VELUX trademarks in their entirety, with the addition of a hyphen and the word "dakraam". The use of a hyphen does not alter the fact that the Disputed Domain Name is confusingly

similar to the VELUX trademarks. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.¹

Although the addition of other terms here, "dakraam" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the VELUX trademarks for the purposes of the Regulations. See [WIPO Overview 3.0](#), section 1.8.

Lastly, the ccTLD ".nl" is typically disregarded under the confusing similarity test, since it is a technical registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that the Disputed Domain Name is confusingly similar to the VELUX trademarks and that Complainant has thus established the first element of article 2.1(a) of the Regulations.

B. Rights or Legitimate Interests

A complainant bears the burden of prima facie showing that the respondent has no rights to or legitimate interests in the domain name. If a complainant succeeds in making a prima facie case, the burden of production shifts to the respondent, which will then have to come forward with appropriate allegations or evidence demonstrating a right to or legitimate interests in the domain name (*Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

Article 3.1 of the Regulations provides circumstances in which such rights or legitimate interests to a domain name may be demonstrated. These circumstances include: i) before having any notice of the dispute, the registrant made demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services; ii) being commonly known by the domain name; and iii) making legitimate noncommercial use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish or otherwise damage the relevant trademark, trade name, personal name, name of a Dutch public legal entity or name of an association or foundation located in the Netherlands.

Based on the evidence and the undisputed submissions of Complainant, the Panel concludes that Respondent has not received Complainant's consent to use the VELUX trademarks as part of the Disputed Domain Name, nor that it has otherwise been authorized to use the VELUX trademarks.

Respondent has not replied, hence not provided evidence, nor is there any indication on the record of this case that Respondent is commonly known by the Disputed Domain Name. Respondent did not demonstrate any use or demonstrable preparation to use the Disputed Domain Name in connection with a bona fide offering of goods or services. On the contrary, Respondent has used the Disputed Domain Name to host a website that offers goods and services that are competing with Complainant's business. This cannot be considered a bona fide offering nor legitimate non-commercial use.

Given the confusing similarity between the VELUX trademarks and the Disputed Domain Name, the Panel is therefore satisfied that this use of the Disputed Domain Name is intended to mislead Internet users familiar with Complainant. Moreover, the Panel finds that the Disputed Domain Name is inherently misleading. See [WIPO Overview 3.0](#), section 2.5.1.

Finally, in the circumstances of this case, the Panel finds that a lack of rights to or legitimate interests in the Disputed Domain Name on the part of Respondent is further supported by the fact that no formal response was filed by Respondent.

¹In view of the fact that the Regulations are to an extent based on the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), may be relevant to the determination of this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

The Panel thus concludes that Complainant has met the second requirement of article 2.1(b) of the Regulations.

C. Registered or Used in Bad Faith

In accordance with article 3.2 of the Regulations, Complainant has to show that the Disputed Domain Name was registered or is being used in bad faith. Several circumstances put forward by Complainant make that the Panel finds that this is so.

The Disputed Domain Name incorporates Complainant's VELUX trademarks entirely. When Respondent registered the Disputed Domain Name, the VELUX trademarks had already been registered and were being used by Complainant for its products and services. Accordingly, it is likely that Respondent knew of Complainant, particularly given the addition of descriptive term "dakraam" to the Disputed Domain Name.

While the above is sufficient for purposes of concluding Respondent's bad faith under the Regulations, the Panel notes that Complainant has argued both registration and use of the Disputed Domain Name in bad faith.

The Disputed Domain Name resolved to a page where competing goods and services were offered. This, combined with the composition of the Disputed Domain Name, is evidence of bad faith under art. 3.2 (d) of the Regulations.

The Panel concludes that the requirement of article 2.1(c) of the Regulations has also been met.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the Disputed Domain Name <velux-dakraam.nl> be transferred to Complainant.

/Moïra Truijens/

Moïra Truijens

Panelist

Date: May 8, 2025