

ADMINISTRATIVE PANEL DECISION

OMEGA SA, SWATCH AG v. vimexx vimexx
Case No. DNL2025-0013

1. The Parties

The complainants are OMEGA SA, and SWATCH AG, Switzerland, represented internally (“Complainants”).

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

2. The Domain Name and Registrar

The disputed domain name <moonswatch.nl> is registered with SIDN through ZXCS.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2025. On April 30, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On May 1, 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 Complainants on May 2, 2025, providing the information disclosed by SIDN, and inviting Complainants to amend the Complaint in this light. Complainants filed an amended Complaint on May 2, 2025.

The Center verified that the 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 May 8, 2025. In accordance with the Regulations, article 7.1, the due date for Response was May 28, 2025. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on May 30, 2025.

The Center appointed Moïra Truijens as the panelist in this matter on June 10, 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

Complainants are two companies organized under the laws of Switzerland that both belong to The Swatch Group Ltd., known as “Swatch”, which is active in the watches industry.

Complainants have demonstrated that First Complainant is the producer of the undisputedly worldwide famous “Speedmaster” watch, worn by Neil Armstrong and Buzz Aldrin on the lunar surface in 1969, which is why it is commonly called “Moonwatch”.

First Complainant is the registered owner, inter alia, of the following trademark relating to its MOONWATCH brand:

- Word mark MOONWATCH, International trademark, class 14, registration number: 1180215, registration date: August 16, 2013, status: active, designating the European Union.

Second Complainant, since at least as early as 1983, has been trading watches under the SWATCH brand and has a portfolio of SWATCH trademark registrations in class 14, such as International trademark registration number 506123 for SWATCH, registered on September 9, 1986, designating the Benelux Office for Intellectual Property. Also, Complainants have evidenced that Second Complainant is the registered owner of the following trademark relating to the MOONSWATCH brand, namely:

- Word mark MOONSWATCH, International trademark, classes 9 and 14, registration number: 1759320, registration date: August 28, 2023, designated to the European Union status: active.

On March 24, 2022, Complainants officially announced a joint collaboration and launched their bioceramic “Moonswatch” collection, combining the MOONWATCH and SWATCH brands. The disputed domain name was registered two days later, on March 26, 2022, and resolved to a parked page.

5. Parties’ Contentions

A. Complainant

Complainants contend that they have satisfied each of the elements required under the Regulations for a transfer of the disputed domain name. Notably, Complainants contend that their trademarks MOONWATCH and SWATCH are distinctive and famous, worldwide.

Complainants further contend that the disputed domain is an exact match to Second Complainants MOONSWATCH trademark and essentially identical to First Complainant’s MOONWATCH trademark (merely adding the letter “s”). The only addition to the trademarks is the country code Top Level Domain (“ccTLD”) “.nl”. Complainants state that the addition of the ccTLD “.nl” in the disputed domain name can be disregarded. Therefore, Complainants hold that the trademarks are readily recognisable in the disputed domain name and that the disputed domain name is confusingly similar to Complainants trademarks.

Additionally, Complainants assert that Respondent has no rights or legitimate interests in respect of the disputed domain name as there are no signs that Respondent has been commonly known by the disputed domain name, and Respondent is not in any way related to Complainants or their business, activities, nor have Complainants granted a license or have authorised Respondent to use their trademarks or apply for registration of the disputed domain name. Complainants add that Respondent is making neither a bona fide offering of goods or services nor a legitimate, noncommercial fair use of the disputed domain name. At the

time of filing the Complaint, more than three years after Respondent's registration of the disputed domain, the disputed domain resolves into a placeholder website without any content indicating an actual usage of the disputed domain name.

Finally, Complainants argue that Respondent has registered and is using the disputed domain name in bad faith since Respondent, in response of Complainants' MOONSWATCH products and success of their joint collaboration under such brand, registered a domain name incorporating the MOONSWATCH trademark, two days after the collaboration between Complainants was announced. Complainants state that it is clear Respondent has registered and is using the disputed domain in full awareness of Complainants' trademarks. Complainants add that by its registration, Respondent is depriving Complainants of sufficiently reflecting their trademarks in the ".nl" ccTLD.

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations, Complainants 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.

6.1. First Preliminary Issue: Consolidation of the Complainants

Both Complainants belong to the Swatch Group of companies and are fully owned by the same parent company, The Swatch Group Ltd. They both own trademark rights asserted in this dispute (MOONWATCH and MOONSWATCH, respectively). Complainants obviously have a specific common grievance against Respondent, therefore the Panel finds it appropriate to accept this Complaint filed by multiple complainants (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.1)¹.

¹ In 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](#)).

Having said so, the Panel comes to the following finding:

A. Identical or Confusingly Similar

Complainants have shown registered rights in the trademarks for MOONWATCH and MOONSWATCH under the Regulations. The Panel finds that the disputed domain name is an exact match of the MOONSWATCH trademark and is confusingly similar to the MOONWATCH trademark, with only the addition of the letter “s”.

The disputed domain name is identical and confusingly similar because the Complainants’ distinctive trademarks are readily recognisable within the disputed domain name and, accordingly, the addition of a variety of terms – here regarding of First Complainants MOONWATCH trademark the letter “s” is insufficient to avert a finding of confusing similarity (see *Meguiar’s, Inc. v. W3Company*, WIPO Case No. [DNL2021-0046](#)).

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 Complainants’ trademarks and that Complainants have 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 (see *Uitvaartverzorging Twan Schreurs V.O.F. v. Patrik Muller*, WIPO Case No. [DNL2024-0035](#)).

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 (or a name corresponding to the disputed domain name) in connection with a bona fide offering of goods or services; ii) the registrant, as an individual, business or other organization being commonly known by the domain name; and iii) respondent is 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 Complainants, the Panel concludes that Respondent has not received Complainants’ consent to use the MOONWATCH nor MOONSWATCH trademarks as part of the disputed domain name, nor that it has otherwise been authorized to use these trademarks.

Respondent has not filed a formal response, 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.

The Panel thus concludes that Complainants have 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, Complainants have to show that the disputed domain name was registered or is being used in bad faith. Several circumstances put forward by Complainants make that the Panel finds that this is so.

The disputed domain name incorporates the Second Complainant's trademark entirely and the First Complainant's trademark almost entirely. When Respondent registered the disputed domain name, the MOONWATCH and SWATCH trademarks had already been registered and well-known and were being used by Complainants for their products and services. Accordingly, it is likely that Respondent knew of Complainants, particularly given the date of filing of the disputed domain name, two days after Complainants announced their "MOONSWATCH" collaboration.

Additionally, even three years after registration, the disputed domain name resolves to a parking website without any content indicating an actual usage of the disputed domain name, thereby depriving Complainants of sufficiently reflecting their trademarks in the .nl ccTLD.

This, combined with the composition of the disputed domain name, is evidence of bad faith under article 3.2(b) 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 <moonswatch.nl> be transferred to the Second Complainant, Swatch AG.

/Moïra Truijens/

Moïra Truijens

Panelist

Date: June 24, 2025