

## ADMINISTRATIVE PANEL DECISION

BDR Thermea Group B.V., Fortes Import Installatie Agenturen B.V. v. Name Redacted

Case No. DNL2025-0031

### 1. The Parties

The Complainants are BDR Thermea Group B.V., Netherlands (Kingdom of the) (“Complainant 1”), and Fortes Import Installatie Agenturen B.V., Netherlands (Kingdom of the) (“Complainant 2”), represented by SafeNames Ltd., United Kingdom.

The registrant of the disputed domain name is Name Redacted<sup>1</sup>, Italy (“the Respondent”).

### 2. The Domain Name and Registrar

The disputed domain name <forte-es.nl> (the “Disputed Domain Name”) is registered with SIDN through NAMECHEAP, INC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2025. On September 18, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On September 19, 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 the Complainant on September 23, 2025, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on October 2, 2025.

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<sup>1</sup> In light of the potential identity theft, the Panel has redacted the Respondent’s name of the disputed domain name from this decision.

However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of this disputed domainname, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated that Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.

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 the Respondent of the Complaint and the proceedings commenced on October 3, 2025. In accordance with the Regulations, article 7.1, the due date for Response was October 23, 2025. The Center did not receive any formal response but received email communications from a third party on October 6, 7, 10, 16, 21 and 28, 2025. Accordingly, the Center informed the Parties it would proceed with panel appointment on October 27, 2025.

The Center appointed Rogier de Vrey as the panelist in this matter on November 6, 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 1 and Complainant 2 are part of the same group of companies who are active in the development and manufacturing of heating and cooling solutions. Complainant 2 is a wholly owned subsidiary of Complainant 1 following the acquisition of Complainant 2 by Complainant 1.

Complainant 2 is the owner of the European Union trademark registration with filing number 018763722 dated March 28, 2025, and registered for various goods and services in classes 11, 35 and 37 (“the Trademark”). The Trademark consists of the stylized words “FORTES ENERGY SYSTEMS”, whereby “FORTES” is placed in large, green letters at the top left and “ENERGY SYSTEMS” is placed in smaller, green letters at the bottom right, with a red and blue stripe separating these two elements. Complainant 2 also operates several domain names, such as <forte-es.nl>, <forte-es.dk> and <forte-es.com>.

The Disputed Domain Name was registered on July 17, 2025.

On August 11, 2025, Complainant 1 sent an email to the Registrar, claiming that the Disputed Domain Name was being used fraudulently. The Registrar subsequently blocked the website published under said Disputed Domain Name. Thus, at the time of filing the Complaint and rendering this Decision, the Disputed Domain Name leads to an inactive page.

On October 6, 2025, a message was received from an individual claiming to be the legal representative of an Italian publishing company where the Respondent supposedly works as a journalist. In this message, and in subsequent e-mail correspondence with the Center, the legal representative claims that neither the Italian publishing company nor the Respondent has ever registered or used the Disputed Domain Name. On October 21, 2025, the legal representative provided a communication from another Italian attorney, claiming to represent the Respondent. In this communication, the attorney states that the Respondent is a journalist for the newspaper La Nuova Venezia and that the Respondent has no knowledge of the Disputed Domain Name. The Center responded to these messages inter alia explaining that it is not in a position to make a substantive assessment on the merits and that such a decision falls with the Panel. The Center also verified the registrant details with SIDN once more, from which it follows that the Respondent is listed as the registrant with SIDN and the contact information used for the registration is that of the Italian publishing company that the aforementioned third party represents.

#### **5. Parties’ Contentions**

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

Complainant 1 and Complainant 2 assert that the textual elements dominate the Trademark. Moreover, the Disputed Domain Name is a deliberate typo of the dominant element “FORTES” without the letter “s” and including the element “-es” (referencing the element “ENERGY SYSTEMS” in the Trademark), emulating

Complainant 1 and Complainant 2's official format. Additionally, the country-code Top-Level Domain ("ccTLD") ".nl" should be disregarded. Thus, there is confusing similarity between the Trademark and the Disputed Domain Name.

According to Complainant 1 and Complainant 2, the Respondent holds no registered or unregistered rights in the Trademark and has no license. The Respondent is also not commonly known as "FORTE-ES". The Disputed Domain Name was used immediately for fraudulent impersonation via email to interfere with invoice payments and such illegal use can never be bona fide or fair noncommercial use. Subsequent non-use after the Registrar blocked the Disputed Domain Name also cannot establish legitimacy for a confusingly similar domain name.

With regard to bad faith, Complainant 1 and Complainant 2 submit that the Trademark predates the Disputed Domain Name and that the Respondent would easily have been aware of the Trademark through the simplest due diligence. The Respondent used the Disputed Domain Name to set up fraudulent email addresses on the day after registration of the Disputed Domain Name in order to confuse Internet users and try to profit from payments through impersonation. Moreover, the Respondent is currently passively holding the Disputed Domain Name. Therefore, the Disputed Domain Name is registered and used in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. However, as detailed in the Factual Background, the Center received email communications from a third party that claimed to be affiliated with the Respondent. This third party subsequently forwarded to the Center a communication from a party that was supposedly the Respondent's authorized representative. In all the communications, the third party and the supposed Respondent's authorized representative maintain that neither the Italian publishing company that the third party represents, nor the Respondent has anything to do with the Disputed Domain Name or its use and request that the proceeding be dismissed. The Panel notes that the Respondent on record was not copied to the communications of October 6 and 7, 2025, but was copied to subsequent communications from this third party.

## **6. Discussion and Findings**

### **6.1 Procedural Issues: Multiple Complainants**

Complainant 1 and Complainant 2 argue that they share a common grievance and that it would be equitable to both parties and procedurally efficient to jointly file the Complaint against Respondent. A common grievance may exist if the complainants have a common legal interest in the trademark rights on which the complaint is based or are the target of common conduct by the respondent which has clearly affected their individual legal interests in a similar fashion. A common legal interest in the trademark rights would include, among others, where the complainants form part of a single entity such as where individual companies are part of a larger corporate group or joint venture (see e.g. *Fulham Football Club (1987) Limited, et.al v. Domains by Proxy, Inc./ Official Tickets Ltd*, WIPO Case No. [D2009-0331](#))<sup>2</sup>. It follows from the available record that Complainant 1 acquired Complainant 2 in 2023 and that Complainant 2 is a wholly owned subsidiary of Complainant 1. Therefore, Complainant 1 and Complainant 2 are part of a larger corporate group and have established a common grievance.

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<sup>2</sup>In view of the fact that the Regulations are substantially similar to 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](#)).

It would also be equitable and procedurally efficient to permit Complainant 1 and Complainant 2 to jointly file the Complaint as the substantive arguments of Complainant 1 and Complainant 2 are identical, and both are represented by a single authorized representative for the purpose of these proceedings. Moreover, there are no apparent reasons why it would not be equitable to permit Complainant 1 and Complainant 2 to jointly file the Complaint. Therefore, this Panel finds it appropriate to accept this Complaint filed by Complainant 1 and Complainant 2 (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.11.1). For ease of reading, Complainant 1 and Complainant 2 will hereinafter be jointly referred to in the singular as “the Complainant”.

## 6.2 Substantive Elements

Under article 2.1 of the Regulations, a claim to transfer a domain name must meet three cumulative conditions:

- a. the domain name is identical or confusingly similar to a trademark, tradename or geographical indication protected under Dutch law in which the complainant has rights, or a personal name registered in the General Municipal Register (in Dutch: “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 the complainant undertakes public activities on a permanent basis; and
- b. the registrant has no rights to or legitimate interests in the domain name; and
- c. the domain name has been registered or is being used in bad faith.

Notably, the Regulations require registration or use in bad faith under article 2.1(c) rather than registration and use in bad faith as required by the UDRP.

As the Respondent has not replied to the Complainant’s contentions and in accordance with article 10.3 of the Regulations, the Panel shall rule based on the Complaint and the Complaint shall be granted, unless the Panel considers it to be without basis in law or in fact.

### A. Identical or Confusingly Similar

The Panel finds that the Complainant has established that the requirement under article 2.1(a) of the Regulations is met.

Article 2.1(a) of the Regulations requires that (1) the Complainant has rights in the relevant sign under the Regulations, and (2) the Disputed Domain Name is identical or confusingly similar to that sign.

The Complainant has sufficiently established that it is the owner of the Trademark. As such, the first requirement is met.

With regards to the second requirement, the Panel finds that the Disputed Domain Name is confusingly similar to the Trademark, as the Disputed Domain Name is made up of the almost identical element “forte” in combination with the suffix “-es”, which in turn references the subtitle “ENERGY SOLUTIONS” of the Trademark of the Complainant. Merely leaving out the letter “s” from the dominant element of the Trademark does not avert a finding of confusing similarity (see *OMEGA SA, SWATCH AG v. vimexx vimexx*, WIPO Case No. [DNL2025-0013](#), where the addition of the letter “s” did not avert a finding of confusing similarity). Moreover, the ccTLD “.nl” is typically disregarded when assessing confusing similarity, since it is a technical registration requirement (see [WIPO Overview 3.0](#), section 1.11.1).

Therefore, the Disputed Domain Name is confusingly similar to the Trademark.

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

The Panel finds that the requirement under article 2.1(b) of the Regulations is met as the Complainant has made a prima facie case that the Respondent lacks rights to or legitimate interests in the Disputed Domain Name by alleging that the Respondent has never been known by the Disputed Domain Name, is not making legitimate noncommercial use of the Disputed Domain Name, and is not using the Disputed Domain Name in connection with the bona fide offering of goods and services.

To start, the evidence provided by the Complainant supports its claim that the Disputed Domain Name is being used for illegal activity, namely the impersonation of the Complainant and attempted fraud, which can never constitute a right or legitimate interest (see *FINANCIERE N. v. Barry West*, WIPO Case No. [DNL2024-0028](#)).

Moreover, the Disputed Domain Name consists of the dominant part of the Complainant's Trademark without the letter "s", as well as the abbreviation of the subtitle of the Trademark "-es". In view of the Panel, such use prevents a finding of rights or legitimate interests as it carries a risk of implied affiliation with the Complainant ([WIPO Overview 3.0](#), section 2.5.1). In this respect, and based on the available record, the Panel considers that the Respondent has never been known by the Disputed Domain Name.

Moreover, the Panel finds no evidence that the Disputed Domain Name is being used for legitimate purposes. In this respect, the Panel notes that at time of the filing of the Complaint and until the date of this Decision, the Disputed Domain Name resolves to an inactive page. Therefore, as of the time of filing the Complaint, the Respondent is not making any bona fide use of the Disputed Domain Name in connection with an offering of goods or services ([WIPO Overview 3.0](#), section 2.5.3).

Based on the above, the Complainant has prima facie established that the Respondent does not have any rights to or legitimate interests in the Disputed Domain Name, whilst the Respondent has failed to refute such prima facie case.

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

The Panel finds that the Complainant has established that the requirement under article 2.1(c) of the Regulations is met.

Firstly, the Complainant has sufficiently evidenced that several email addresses were created using the Disputed Domain Name (including [...]@forte-es.nl, [...]@forte-es.nl and [...]@forte-es.nl), and that these email addresses were subsequently included in email correspondence between an employee of the Complainant and customers of the Complainant regarding payment for services. It follows from the emails submitted by the Complainant that these attempts to impersonate the Complainant were made right after the Disputed Domain Name was registered. In view thereof, the Panel concludes that there could be no other legitimate explanation except that the Respondent intentionally registered the Disputed Domain Name to cloak its actions and deceive recipients into believing the email addresses were from the Complainant. That constitutes a disruption of the Complainant's business and establishes bad faith registration and use.

Secondly, in view of the Panel, it follows from the communications between the aforementioned third party and the legal representative of the Respondent, and the Center that the contact details of the Respondent in the register of SIDN are false, which is commonly held to be evidence of bad faith (see *Hermes International v. Jack Yong*, WIPO Case No. [D2017-1959](#)).

Lastly, the fact that the Disputed Domain Name does not currently resolve to an active website does not prevent a finding of bad faith (see *JUNG S.A.S. v. Yvonne van Zadelhoff*, WIPO Case No. [DNL2020-0013](#)). The present circumstances, including the composition of the Disputed Domain Name and the failure of the Respondent to reply to the Complainant's contentions supports the finding of bad-faith registration and use.

Based on all of the above factors, the Panel concludes that the Disputed Domain Name has been registered and used in bad faith by the Respondent.

## **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 <forte-es.nl> be transferred to Complainant 1, BDR Thermea Group B.V.

*/Rogier de Vrey/*

**Rogier de Vrey**

Panelist

Date: November 20, 2025