

ADMINISTRATIVE PANEL DECISION

Silvelox Group S.p.A. v. C. Wempe Holding B.V.
Case No. DNL2025-0039

1. The Parties

The Complainant is Silvelox Group S.p.A., Italy, represented by Andersen Legal, Italy.

The registrant of the disputed domain name is C. Wempe Holding B.V., Netherlands (Kingdom of the), the "Respondent").

2. The Domain Name and Registrar

The disputed domain name <silvelox.nl> is registered with SIDN through Metaregistrar B.V.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 25, 2025. On November 26, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On November 27, 2025, SIDN transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details of the Respondent.

The Center verified that the Complaint 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 December 2, 2025. In accordance with the Regulations, article 7.1, the due date for Response was December 22, 2025. The Center did not receive any response. Accordingly, the Center notified the Respondent's default on December 23, 2025.

The Center appointed Willem J. H. Leppink as the panelist in this matter on January 6, 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 to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The following facts are undisputed.

The Complainant is a company established in Italy in 2015 and is formerly known as Silvelox Europe S.p.A. The Complainant is active in the field of designing, manufacturing, selling, and installing shutters, automatic doors and components, such as security doors, garage doors, entrance doors, and double doors. The Complainant has been using the name Silvelox since 2015 and, before that date, the name has been used by the companies Silvelox S.p.A. and Sil.Fin. S.r.l. (now both liquidated), which were active since 1961 in the manufacturing and marketing of automatic doors. Their business was acquired by the Complainant in 2017.

The Complainant has built, and is continuously developing, an extensive and constantly growing network of distributors worldwide. As of today, the Complainant has not entered into any distribution agreements with any distributor in the Netherlands,¹ and in particular not with the Respondent. The Respondent had, however, a distribution relationship with Silvelox S.p.A. (the liquidated company which was acquired by the Complainant), but no consent was given for registration of the disputed domain name. The Complainant asserts, without rebuttal by the Respondent, that after the acquisition of the business Silvelox S.p.A. occurred in 2017, all distribution relationships between Silvelox S.p.A. and the Respondent were terminated and no longer continued by the Complainant.

For its main website, the Complainant uses the domain names <silvelox.it> and <silvelox.com>.

The Complainant is the owner of several trademark registrations worldwide, including – as far as it concerns the present proceeding – the European Union trademark registration for the trademark SILVELOX, registration number 000801894, with registration date of October 16, 2000, registered for goods in classes 6, 9, 19 (the “Trademark”).

The disputed domain name was initially registered on August 15, 2014, and, according to the information provided by SIDN, acquired by the Respondent on March 14, 2022. The disputed domain name resolved to a webpage where the Trademark was extensively used and where it was stated that the Respondent is the official dealer and distributor of the Complainant’s products.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Regulations for a transfer of the disputed domain name.

Notably, the Complainant contends the following.

The disputed domain name consists of the Trademark in its entirety, without any differentiating elements.

The Respondent has no rights or legitimate interests whatsoever in respect of the disputed domain name.

Although the Respondent was in a distribution relationship with the liquidated company Silvelox S.p.A., this does not allow the Respondent to register the Trademark as a domain name and to use the disputed domain name. Even though the Respondent may have had the authorization (which was not the case) or a legitimate interest in registering and using the disputed domain name at the time a sort of distribution relationship was in place with the former Silvelox S.p.A. and Sil.Fin. S.r.l. (now both liquidated), such legitimate interests do not persist at the moment of the filing of the Complaint.

¹ In this Decision, “Netherlands” is a reference to the Kingdom of the Netherlands in Europe.

In addition, the Respondent is in any case not commonly known by the disputed domain name or by the sign “silvelox” in general. Indeed, the Respondent is the owner and is currently extensively using another different domain name, being <carroom.nl>, to offer its products and services, with which it is known on the Dutch market. As such, the Respondent is attempting to attract, for commercial gain, visitors to its website by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation or endorsement of its website. The consumers, indeed, may be led to erroneously believe that the Respondent is the official distributor/reseller of or at least has a commercial/resale/distribution relationship with the Complainant.

Therefore, it is clear that the disputed domain name has been registered or at least is now used and kept by the Respondent with the sole scope of preventing the Complainant from directly or indirectly using it and for the purpose of disrupting the Complainant's activities, by creating a false and misleading representation to the public as to the existence of a distribution relationship with the Complainant.

Furthermore, the conduct of the Respondent following the receipt of the cease-and-desist letter (namely, the partial taking down of the website at the disputed domain name) confirms — in itself — the Respondent's bad faith in the current use of the disputed domain name, showing that it was certainly aware of the infringement of the Complainant's rights over the disputed domain name and Trademark being aware that no official distribution/resale relationship is in place with the Complainant.

In light of the above, the Respondent's retention of the disputed domain name is damaging the Complainant's business in the Netherlands, preventing the latter from using it by itself and/or precluding the Complainant from assigning the disputed domain name to an official distributor as well as disrupting the Complainant's business activity in the same territory.

B. Respondent

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

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations the 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 the 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 the Complainant undertakes public activities on a permanent basis; and
- b) the 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.

The Respondent did not provide a response to the Complaint. Therefore, based on article 10.3 of the Regulations, the Panel decides on the dispute on the basis of the Complaint. In that case, the request of the Complainant will be awarded, unless it appears to the Panel to be unlawful or unfounded.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") section 1.7.²

The Complainant has shown that it has rights in the Trademark, which is also protected under Dutch law.

The disputed domain name is identical to the Trademark.

The Complainant has thus established the first element of article 2.1 of the Regulations.

B. Rights or Legitimate Interests

Consistent with earlier decisions under the Regulations, the Complainant must prima facie demonstrate that the Respondent has no rights to or legitimate interests in the disputed domain name. If the Complainant succeeds in making out this prima facie case, the burden of production shifts to the Respondent, who will then have to come forward with appropriate allegations or evidence demonstrating a right to or legitimate interests in the disputed domain name. See *Auto 5 v. E. Shiripour*, WIPO Case No. [DNL2008-0027](#).

The Respondent may demonstrate such rights or legitimate interests inter alia through any of the following circumstances based on article 3.1 of the Regulations:

- a) before having any notice of the dispute, the Respondent made demonstrable preparations to use the disputed domain name (or a name corresponding to the disputed domain name) in connection with a bona fide offering of goods or services; or
- b) the Respondent as an individual, business or other organization is commonly known by the disputed domain name; or
- c) the Respondent is making a legitimate noncommercial use of the disputed 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.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

The Complainant has alleged that the Respondent, although it may have had a distribution relationship with the predecessor of the Complainant, had not obtained the right or any authorization by the Complainant to register the disputed domain name. This has not been rebutted by the Respondent.

Furthermore, even if the *Oki Data* criteria (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), for showing a right or legitimate interest for the Respondent in the disputed domain name would have to be applied, the Panel finds that these are not met. An accurate and prominent disclosure of the relationship with the Complainant as trademark owner is not displayed, rather, the evidence provided by the Complainant dating from July 2025 - thus, post termination of the Respondent's distribution relationship with the Complainant's predecessor - indicates that the Respondent was misrepresenting itself as an official distributor of the Complainant. Moreover, there is a clear risk of implied affiliation that the disputed domain name, by nature of being identical to and solely comprised of the Trademark, is that of the Complainant.

² In view of the fact that the Regulations are in large part 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](#), are relevant to this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

The Complainant has thus established the second element of article 2.1 of the Regulations.

C. Registered or Used in Bad Faith

In light of its considerations under Section 6.B, the facts presented by the Complainant, and the lack of a response by the Respondent, the Panel finds that the disputed domain name is used in bad faith.

Although the Respondent may have had a brief distribution relationship with the predecessor of the Complainant, this does not detract from the fact that the disputed domain name was being used in bad faith as the Respondent presented itself as the Complainant's official dealer and distributor in the Netherlands. From this, it follows that the Respondent is well aware of the existence of the Complainant and the Trademark. In fact, Complainant sent out a cease and desist letter to the Respondent, after which merely simplified the website behind the disputed domain name and removed some (not all) references to Complainant and the Trademark. Therefore, the Panel finds the disputed domain name has been used in bad faith by the Respondent. The Panel does not have to assess whether the disputed domain name was registered in bad faith.

The Complainant has thus established the third element of article 2.1 of the Regulations.

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 <silvelox.nl> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Panelist

Date: January 20, 2026