

ADMINISTRATIVE PANEL DECISION

Fumex Aktiebolag v. J. Rapmund
Case No. DNL2026-0014

1. The Parties

The complainant is Fumex Aktiebolag, Sweden, represented by Zacco Sweden AB, Sweden (the “Complainant”).

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

2. The Domain Name and Registrar

The disputed domain name <fumex.nl> (the “Disputed Domain Name”) 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 April 16, 2026. On April 20, 2026, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On April 21, 2026, 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 April 22, 2026, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on April 22, 2026.

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 April 24, 2026. In accordance with the Regulations, article 7.1, the due date for Response was May 14, 2026. The Response was filed with the Center on May 8, 2026.

On May 18, 2026, SIDN commenced the mediation process. On June 16, 2026, SIDN extended the mediation process until July 16, 2026. On July 28, 2026, SIDN informed parties that the dispute had not been solved in the mediation process.

The Center appointed Rogier de Vrey as the panelist in this matter on August 7, 2026. 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

The following facts are undisputed.

The Complainant was established in 1971 and is a manufacturer in the environmental technology sector, specialising in air extraction, fans, and filters for various applications.

The Complainant is the owner of various trademark registrations, including the European Union trademark registration for the trademark FUMEX (word mark), registration number 003775699, with registration date of November 16, 2005, registered for goods in class 11 (the "Trademark").

The Complainant also operates various domain names including the Trademark, such as <fumex-extraction.co.uk>, <fumex.cn>, <fumex.com>, <fumex.de>, <fumex.nu>, <fumex.org>, <fumex.se>, and <fumex.uk>.

The Disputed Domain Name was registered on March 1, 2013. Currently, the Disputed Domain Name does not lead to a website. The Complainant asserts that the Disputed Domain Name redirected to "www.puntafzuiging.nl" where the Complainant's and other products were purportedly being offered for sale.

The Response has been filed by the entity Brevo Handelsmaatschappij B.V., and the Response was filed using the email address listed by the Registry as administrative contact. From the Dutch Chamber of Commerce it follows that the Respondent was the managing director of Brevo Handelsmaatschappij B.V. from 1997 to 2021. Brevo Handelsmaatschappij B.V. is active in the field of air extraction solutions.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Regulations for it to become the registrant of the Disputed Domain Name instead of the Respondent. Notably, the Complainant contends the following.

The Disputed Domain Name is identical to the Trademark owned by the Complainant, and the addition of the country code Top-Level Domain ".nl" does not impact the overall impression and is irrelevant when determining confusing similarity.

The Respondent is not using the Disputed Domain Name in connection with a bona fide offering of goods or services. The Disputed Domain Name is being used to redirect users to the website "www.puntafzuiging.nl", where the Respondent not only sells the Complainant's products but also products competing with the Complainant's. Thus, the test from *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the "Oki Data test"), is not fulfilled.

The Trademark was intentionally included in the Disputed Domain Name to trade on its fame, and the Respondent is intentionally creating the false impression of affiliation to or endorsement by the Complainant to attract, for commercial gain, Internet users to its own website.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Regulations.

There is no confusing similarity as the Disputed Domain Name contains the Trademark in the context of resale, its use is descriptive, Internet users expect resellers to use the brand name descriptively, and the use does not imply brand ownership of official affiliation.

The Respondent also has a legitimate interest in the Disputed Domain Name as an active reseller and distributor of products bearing the Trademark. The Respondent has an agreement with an official distributor of products bearing the Trademark in the Netherlands and the use of the Disputed Domain Name fall entirely within legitimate commercial activities. This meets the criteria of the Oki Data test.

The Disputed Domain Name was not registered or used in bad faith. The Disputed Domain Name has been registered since 2013, is used with a legitimate commercial context and there is no intention to mislead consumers, harm the Complainant's business, or unfairly profit from the Trademark. The Disputed Domain Name has historically been used for commercial and informational purposes regarding ventilation and extraction products.

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, trade name or geographical indication 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.

As mentioned under the Factual Background, the Response has been filed by Brevo Handelsmaatschappij B.V. and not the Respondent. However, the Response was filed using the email address listed by the Registry as the administrative contact. It also follows from the Dutch Chamber of Commerce that the Respondent was the managing director of Brevo Handelsmaatschappij B.V. for 24 years. Furthermore, the Complainant asserts that the Disputed Domain Name redirects to the website "www.puntafzuiging.nl", which is not disputed by the Respondent. The website "www.puntafzuiging.nl" is also operated by Brevo Handelsmaatschappij B.V. Therefore, the Panel considers the Response filed by the Respondent and takes the Response into consideration.

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 Trademark and the Disputed Domain Name.

The Complainant has shown rights in respect of the Trademark for the purposes of the Regulations. The entirety of the Trademark is reproduced within the Disputed Domain Name. The applicable Top-Level Domain is disregarded under the confusing similarity test (WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.11¹). Accordingly, the Disputed Domain Name is identical to the Trademark for the purposes of the Regulations.

The Panel finds the first element of the Regulations has been established.

B. Rights or Legitimate Interests

Article 3.1 of the Regulations provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in .NL 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.

Having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent is not commonly known by the Disputed Domain Name nor that the Respondent is making noncommercial use of the Disputed Domain Name as required by Article 3.1 b) or c) of the Regulations.

The Respondent may demonstrate its rights or legitimate interests in the Disputed Domain Name if it made use of the Disputed Domain Name in connection with a bona fide offering of goods and services (Article 3.1 a) of the Regulations). In cases revolving around resellers and distributors, whether there is a bona fide offering of goods or services is assessed using the Oki Data test, that consists of the following four elements:

- i. The Respondent must actually offer the goods or services at issue;
- ii. The Respondent must use the site to sell only the trademarked goods or services;
- iii. The site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- iv. The Respondent must not try to "corner the market" in domain names that reflect the trademark.

See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Regarding the second element, the Complainant asserts that the Disputed Domain Name redirects to the website "www.puntafzuiging.nl", where the Respondent not only sells the Complainant's products but also products competing with the Complainant's, thereby not meeting the Oki Data test. As evidence, the Complainant submits screenshots of the website "www.puntafzuiging.nl". Although these screenshots do not necessarily prove that the Disputed Domain Name indeed redirected to that website, having reviewed the available record, the Panel finds that the Complainant has sufficiently established that this is the case.

¹ Due to the similarities between the Regulations and the UDRP, the Panel will consider and apply [WIPO Overview 3.1](#) and UDRP decisions as it deems appropriate.

First, the Respondent has not disputed the Complainant's assertion and even filed an exhibit titled "Current landing page www.fumex.nl", implying that the landing page has changed since filing the Complaint. Second, the Panel may also undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention ([WIPO Overview 3.1](#), section 4.8). As the Disputed Domain Name currently does not lead to any website, the Panel looked at the historical use of the Disputed Domain Name via the WayBackMachine and found only one entry (dated August 9, 2018), which indeed redirected users from the Disputed Domain Name to the website "www.puntafzuiging.nl". On that website, products bearing the trademark ALSIDENT are also sold, which is another trademark used for air extraction systems and a competitor of the Complainant.

Based on the above, the Panel finds that the Respondent has not made use of the Disputed Domain Name in connection with a bona fide offering of goods and services and consequently, the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The Panel finds the second element of the Regulations has been established.

C. Registered or Used in Bad Faith

The Complainant must demonstrate that the Disputed Domain Name has been registered or is being used in bad faith (article 2.1(c) of the Regulations). For the reasons set out below, the Panel finds that these requirements are met in the present case.

The Panel notes that, for the purposes of paragraph Article 2.1(c) of the Regulations, Article 3.2 of the Regulations establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith. The Panel finds that elements c) and d) of Article 3.2 of the Regulations are met.

Regarding registration in bad faith, the Panel notes the following. The Complainant's European Union trademark registration for the mark FUMEX dates from November 16, 2005, and the Complainant has been active in the European market since 1971. The Disputed Domain Name was registered on March 1, 2013, almost eight years after the Trademark was registered. The Respondent, through Brevo Handelsmaatschappij B.V., is a commercial operator in the same industry as the Complainant – air extraction solutions – and has sold products bearing the Trademark. The Panel therefore finds that the Respondent was aware of the Trademark at the time of registration of the Disputed Domain Name. In these circumstances, the registration of a domain name that is identical to another party's trademark by a party that is aware of such trademark and uses it to redirect Internet users to a commercial website where competing products are offered constitutes registration in bad faith.

Regarding use in bad faith, the Panel notes that the Disputed Domain Name, which is identical to the Trademark, has been used to redirect Internet users to the website "www.puntafzuiging.nl", operated by Brevo Handelsmaatschappij B.V. As established under Section 6.B above, that website offered for sale not only the Complainant's products but also products of the Complainant's competitors.

By using a domain name that is identical to the Complainant's Trademark, the Respondent creates a likelihood of confusion as to the source, sponsorship, or affiliation of the website to which Internet users are directed. Internet users searching for the Complainant or its products may reasonably expect that the Disputed Domain Name leads to the Complainant's own website or a website authorized by the Complainant. Instead, they are redirected to a website where they are presented with competing products, thereby diverting potential customers away from the Complainant. The Panel finds that this constitutes use of the Disputed Domain Name to attract Internet users, for commercial gain, by creating a likelihood of confusion with the Trademark, within the meaning of article 3.2(d) of the Regulations.

The Panel finds that the Complainant has established the third element 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 Complainant becomes the registrant of the Disputed Domain Name <fumex.nl> instead of the Respondent.

/Rogier de Vrey/

Rogier de Vrey

Panelist

Date: August 24, 2026