

ADMINISTRATIVE PANEL DECISION

Bedros Dergarabedian v. Cristina Ortega Jimenez
Case No. DNL2026-0040

1. The Parties

The Complainant is Bedros Dergarabedian, Netherlands (Kingdom of the), self-represented.

The registrant of the disputed domain name is Cristina Ortega Jimenez, Spain, (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <universalmovers.nl> is registered with SIDN through Key-Systems GmbH.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 11, 2026. On August 11, 2026, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On August 13, 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 contact information in the Complaint.

The Center sent an email communication to the Complainant on August 14, 2026, providing the information disclosed by SIDN and Key-Systems GmbH, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on the same date.

The Center verified that the Complaint as amended satisfied 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 and the effective domain name user and party in interest in these proceedings, of the Complaint and the proceedings commenced on August 18, 2026. In accordance with the Regulations, article 7.1, the due date for Response was September 7, 2026. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on September 10, 2026.

The Center appointed Alfred Meijboom as the panelist in this matter on September 16, 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 is a Dutch individual who had been a partner in the Dutch general partnership Universal Logistics v.o.f. until September 12, 2024, which company provided freight transport by road and removal services under the trade names “Universal Logistics” and “Universal Movers.” The Complainant continued the business as a one-man business (“*eenmansbedrijf*”) on September 12, 2024, and registered his one-man business in the commercial register with the trade names “Universal Logistics” and “Universal Movers”. This one-man business was liquidated and deregistered from the commercial register on January 27, 2025.

The Complainant filed a Benelux trademark application for the term UNIVERSAL MOVERS with application number 1555096 on August 8, 2026 for services in class 39. On August 12, 2026, the Benelux Office for Intellectual Property notified the Complainant that the registration of the term UNIVERSAL MOVERS as a trademark was preliminary refused because the term was found to be descriptive.

The Complainant further submits that the aforementioned general partnership and his one-man business had been using the disputed domain name for developing the business and also for email purposes, and that the Complainant had last paid for the renewal of the disputed domain name for the period from January 6, 2025, to January 5, 2026, after which the disputed domain name expired.

The disputed domain name was registered on March 23, 2026 and resolves to a website which allows Internet users to play casino games.

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 Complainant alleges that the disputed domain name, disregarding the technically required “.nl” country-code Top-Level, is identical to his trade name “Universal Movers”. In this respect the Complainant acknowledges that the trade name protection for “Universal Movers” does not remain in effect indefinitely now that his one-man business was liquidated and has been inactive since January 27, 2025, but the Complainant contends that protection under the Dutch Trade Name Act may continue as long as there is still a real risk of confusion with his former business. According to the Complainant, extensive independent, public, physical, transactional, and technical evidence establishes actual use of “Universal Movers” and a documented chain to the Complainant, while approximately fourteen months elapsed between deregistration and the registration of the disputed domain name. The Complainant alleges that public association with and goodwill in the trade name “Universal Movers” had therefore not dissipated and that “Universal Movers” remains a trade name protected under Dutch law for purposes of article 2.1(a) of the Regulations. The Complainant states that he does not rely on the provisional rejected Benelux trademark application for UNIVERSAL MOVERS.

According to the Complainant, the Respondent has no rights to or legitimate interests in the disputed domain name because the Complainant has never assigned, licensed, authorized, or otherwise permitted the Respondent to register or use “Universal Movers” or the disputed domain name. The Complainant alleges that the Respondent is also not known by the disputed domain name, and the use of the disputed domain name is not a bona fide offering of services.

The Complainant further contends that the disputed domain name has been registered or is being used in bad faith because the Complainant asserts that the website to which the disputed domain name resolves supports the inference that the disputed domain name is being used to attract Internet users toward commercial casino registrations, while the Dutch Gambling Authority has allegedly stated that the operator of the disputed domain name does not hold a licence from that Authority.

B. Respondent

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

6. Discussion and Findings

As the Respondent has not filed a response, the Panel shall rule on the basis of the Complaint. In accordance with article 10.3 of the Regulations, the Complaint shall in that event be granted, unless the panelist considers it to be without basis in law or in fact.

The Panel notes that, in accordance with article 16.4 of the Regulations, the Center has fulfilled its obligation to employ reasonably available means to achieve actual notice of the Complaint to the Respondent. Based on 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.

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 a trademark, trade name or geographical indication protected under Dutch law in which the Complainant has rights and the disputed domain name.

In this proceeding, the Complainant rightly does not rely on the trademark application for UNIVERSAL MOVERS because that application was provisionally rejected and, therefore, is not a trademark protected under Dutch law in which the Complainant has rights. It is further established that the Complainant operated a one-man business under, inter alia, the name “Universal Movers”, which ceased to exist on January 27, 2025. The Panel is satisfied that the evidence demonstrates that the name “Universal Movers” had been used by the Complainant in the course of his business as a trade name.

The Complainant has also demonstrated that, following the termination of his business, “Universal Movers” is still listed on Instagram (with 7 posts and 55 followers) and on Google Maps (with the notation “temporarily closed”). The Complainant alleges that it follows from Dutch case law that this represents goodwill

associated with the former trade name “Universal Movers” which continues to offer protection against the use of that name by third parties for some time after the business has ceased operations, depending on the circumstances of the case. The Panel finds that this does, however, not inevitably follow from the referenced decisions.

The basic principle of Dutch trade name law is that the trade name right ceases to exist if the trade name is no longer used or the business ceases to exist, with a possibility, in exceptional cases based on specific circumstances of the case, of claiming trade name protection after the use has ceased (“*nawerking*”). The Regulations offer a limited administrative proceeding and govern the admissibility or rejection of “.nl” registrations which are in a potential conflict with established trade names and trademarks to prevent the misuse of the domain name system by cybersquatters. A court in regular civil proceedings has more opportunity to hear arguments and evidence, and to establish if there are exceptional circumstances which grant extended protection (“*nawerking*”) to the Complainant’s discontinued trade name.

In this proceeding, however, the Panel finds that the trade name “Universal Movers” ceased to exist when the Complainant’s one-man business was liquidated on January 27, 2025. Therefore, at the time the Complaint was filed and when rendering this decision, the Complainant does not have rights over the trade name “Universal Movers” under Dutch law.

The Panel therefore finds that the Complainant does not have rights as referred to in article 2.1(a) of the Regulations, so that the first element of the Regulations has not been established.

B. Rights or Legitimate Interests

As the Complainant has not established the first element, it is unnecessary for the Panel to discuss the second element.

C. Registered or Used in Bad Faith

As the Complainant has not established the first element, it is also unnecessary for the Panel to discuss the third element.

7. Decision

For all the foregoing reasons, the Complaint is denied.

/Alfred Meijboom/

Alfred Meijboom

Panelist

Date: September 19, 2026