

ADMINISTRATIVE PANEL DECISION

Gap (ITM) Inc. v. Wendel URSULA
Case No. DRO2026-0018

1. The Parties

The Complainant is Gap (ITM) Inc., United States of America (“United States”), represented by Convey Srl, Italy.

The Respondent is Wendel URSULA, Germany.

2. The Domain Name and Registrar

The disputed domain name <gaps.ro> is registered via ROTLD (the “Registry”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 14, 2026. On September 15, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On September 16, 2026, the Registry 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same date, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 18, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .RO Domain Name Dispute Resolution Policy (the Policy), the Rules for .RO Domain Name Dispute Resolution Policy (the Rules), and the WIPO Supplemental Rules for .RO Domain Name Dispute Resolution Policy (the Supplemental Rules).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 13, 2026.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on October 15, 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, founded in 1969 in San Francisco, California, is a leading international apparel retailer and the parent company of prominent global brands, including Gap, Old Navy, Banana Republic, and Athleta. Its flagship brand, GAP, has been in continuous commercial use for decades, generating substantial global annual revenue (approximately USD 3.5 billion in fiscal year 2025) and enjoying extensive international recognition and goodwill.

The Complainant holds a portfolio of trademark registrations for GAP and THE GAP across multiple jurisdictions worldwide, including:

- European Union Trade Mark Registration No. 000027078, THE GAP (word), registered on December 7, 1998;
- European Union Trade Mark Registration No. 000027292, GAP (word), registered on May 27, 2002;
- European Union Trade Mark Registration No. 000027110, GAP (figurative), registered on October 1, 1999, with the following graphic representation:



- European Union Trade Mark Registration No. 017101833, GAP (figurative), registered on January 24, 2018, with the following graphic representation:



- European Union Trade Mark Registration No. 001278662, GAP (figurative), registered on April 4, 2001, with the following graphic representation:



(hereinafter collectively referred to as the “GAP Mark”).

The Complainant also owns various domain names incorporating its GAP Mark, including <gap.com> (registered on September 13, 1993), which resolves to its primary corporate and e-commerce website.

The disputed domain name was registered on October 15, 2025. It is currently inactive, resolving to an Internet browser error page. However, according to evidence submitted by the Complainant, the disputed domain name previously resolved to an active website in the Romanian language that prominently displayed the GAP Mark at its header, using the same stylized graphic representation and overall design, color scheme, and commercial layout as the Complainant’s official website. This active website purported to offer GAP-branded clothing articles for sale, displaying prices in Romanian Leu (RON). The website contained no disclosures regarding its ownership or its lack of affiliation with the Complainant. On the contrary, it identified the operator as “GAP” or “GAP România” and featured a copyright notice reading: “© 2026 GAP România | Toate drepturile rezervate. GAP Outlet” (“© 2026 GAP Romania | All rights reserved. GAP Outlet”).

Following formal cease-and-desist communications issued by the Complainant on September 2 and 3, 2026—which, according to the Complaint, remained unanswered—the website operating under the disputed domain name was deactivated.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to its well-known GAP Mark. Specifically, the disputed domain name incorporates the GAP Mark in its entirety with the mere addition of the letter “s” and the country code Top-Level Domain (“ccTLD”) “.ro”. The Complainant emphasizes that the addition of the letter “s” does not preclude a finding of confusing similarity and the technical extension “.ro” reinforces the false impression that the disputed domain name identifies an official GAP website targeting consumers in Romania.

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not a licensee, reseller, or authorized distributor of the Complainant, nor has it ever received any permission, consent, or authorization to use the GAP Mark. Furthermore, the Complainant contends that the Respondent is using the disputed domain name for unauthorized commercial impersonation and deceptive activities, which can never confer rights or legitimate interests.

Finally, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. Given the global renown and long-standing use of the GAP Mark, the Respondent undoubtedly knew the Complainant's rights at the time of registration. Furthermore, the Complainant submits that bad faith registration and use are demonstrated by: (i) the combination of the GAP Mark with the letter “s” and the ccTLD “.ro”, paired with the operation of a commercial website under the disputed domain name that actively impersonates the Complainant; (ii) the failure to respond to formal cease-and-desist letters issued prior to the filing of the Complaint; (iii) the subsequent deactivation of the website following such communications; and (iv) a documented pattern of bad faith conduct, as evidenced by a prior adverse UDRP decision involving the same Respondent (*Valentino S.p.A. v. Zhangyongqiang, Wendel Ursula*, WIPO Case No. [D2026-0904](#)).

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to obtain the remedy of transfer of the disputed domain name, the Complainant must prove each of the following three cumulative elements:

- the disputed domain name is identical or confusingly similar to a (i) trademark or service mark or (ii) with a geographical indication protected in Romania or by European Union law in which the Complainant has rights; and
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered or is being used in bad faith.

The Complainant has made the relevant assertions required under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three cumulative elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers as set forth, inter alia, in paragraph 10 of the Rules.

The Respondent failed to submit a Response within the timeline prescribed by the Rules. Consequently, in accordance with paragraph 14 of the Rules, the Panel shall proceed to decide the dispute based upon the Complaint and draw such inferences from the Respondent's default as it considers appropriate.

6.1 Procedural Matter: Language of the Proceeding

Pursuant to paragraph 11(a) of the Rules, unless otherwise agreed by the Parties or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be Romanian where the Respondent's contact details specify an address in Romania, or English where the Respondent's contact details specify an address outside Romania, subject to the Panel's authority to determine otherwise, having regard to the circumstances of the administrative proceeding.

Furthermore, the Complainant requested that English be the language of the proceeding, noting that the Respondent must have understood the cease-and-desist communications (which were drafted in English), and that translating all documents and evidence into Romanian would cause unnecessary procedural delay and expense.

The Panel notes that, according to the Registrar's verification, the language of the Registration Agreement is English and the Respondent's address listed in the Whols contact details for the disputed domain name is not in Romania, but in Germany. Accordingly, pursuant to paragraph 11(a) of the Rules, the default language of the proceeding is English, and the Panel sees no reason to determine otherwise. Therefore, the Panel confirms that English shall be the official language of this proceeding.

6.2 Substantive Examination

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.¹

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, namely the GAP Mark. [WIPO Overview 3.1](#), section 1.2.1.

The Complainant's GAP Mark is reproduced in its entirety within the disputed domain name, with the mere addition of the letter "s" at the end of the mark (creating its plural form). It is well established that the technical extension, in this case the country code Top-Level Domain ("ccTLD") ".ro", is typically disregarded under the first element test as it serves a functional routing purpose. The Panel finds that the Complainant's mark remains clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Consequently, the Panel finds the first element of the Policy has been established.

¹ Noting the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel will refer to the consensus approaches set out in the [WIPO Overview 3.1](#), to the extent that they correspond to the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy 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 UDRP proceedings is on the complainant, panels have recognized that proving that 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. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise.

The Panel notes that the Complainant has not licensed, authorized, or otherwise permitted the Respondent to use the GAP Mark. Additionally, the Respondent’s name shares no similarity with the terms “gap” or “gaps”, and nothing in the record indicates that the Respondent is commonly known by the disputed domain name or a name corresponding to the disputed domain name. Furthermore, the Panel has corroborated through a search of the Global Brand Database that the Respondent holds no trademark rights over these terms.²

The current passive holding or non-use of the disputed domain name does not confer any rights or legitimate interests on the Respondent.

Moreover, the Panel finds that the prior use of the disputed domain name in connection with a website that impersonated the Complainant - in an effort to pass off as one of its official online marketplaces targeting the Romanian market - does not constitute a bona fide offering of goods or services or a legitimate noncommercial fair use. In this regard, the evidence shows that the Respondent’s website reproduced the Complainant’s GAP Mark, copied the overall look, feel, and color scheme of the Complainant’s official website at the domain name <gap.com>, and offered no disclosures regarding the lack of authorization or affiliation with the Complainant.

It is a well-established principle under the Policy that the use of a domain name for illegitimate or illegal activity - such as passing off or impersonation - can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

²Under the general powers articulated in paragraph 10 of the Rules, a panel may undertake limited factual research into public records if such information is useful to assessing the case merits and reaching a decision. [WIPO Overview 3.1](#), section 4.8.

In the present case, the Panel notes that the GAP Mark is internationally well known and has been in continuous commercial use for over five decades since its inception in 1969. Prior decisions under the UDRP have consistently recognized the famous and well-known character of the GAP Mark; see, e.g., *The Gap, Inc., Gap (Apparel), LLC, Gap (ITM) Inc. v. Maqamed Turan*, WIPO Case No. [D2022-1804](#); *The Gap, Inc., Gap (Apparel), LLC, and Gap (ITM) Inc. v. wangjianlong*, WIPO Case No. [D2022-2721](#); and *The Gap, Inc. v. YongHoon Lee, SofTech*, WIPO Case No. [D2007-0386](#).

Given the longstanding global reputation of the GAP Mark, the Respondent's adoption of a nearly identical domain name in a plural form (adding the letter "s"), combined with the ccTLD ".ro", and the usage of the disputed domain name to host a website falsely implying an association with the Complainant, clearly indicate an intentional effort to target the Complainant and mislead Internet users into believing that the site is officially endorsed or operated by the Complainant, misleading consumers in the Romanian market into believing the Respondent's website is operated by an authorized local branch ("GAP România"). Therefore, the composition of the disputed domain name evinces a clear intention on the part of the Respondent to confuse Internet users seeking or expecting the Complainant, passing off the disputed domain name and its associated content as one of the Complainant's official e-commerce platforms for the Romanian market.

This bad faith targeting and conduct are further evidenced by: (i) the infringing content previously displayed on the website; (ii) the failure to respond to the formal cease-and-desist communications; (iii) the subsequent passive holding and deactivation of the website content upon receiving such demands; and (iv) the Respondent's documented pattern of registering other domain names targeting major retail and luxury brands (as evidenced by a prior adverse decision involving the same Respondent, *Valentino S.p.A. v. Zhangyongqiang, Wendel Ursula*, supra).

Panels have widely held that the use of a domain name for illegitimate or illegal activities - such as passing off, or other types of fraud - constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith.

Furthermore, regarding the current non-use of the disputed domain name, panels have consistently found that the passive holding of a domain name does not by itself prevent a finding of bad faith. To the contrary, when considering the totality of the circumstances in each case, panels have repeatedly affirmed that the registration and passive holding of a domain name can still amount to bad faith for purposes of the Policy. [WIPO Overview 3.1](#) section 3.3. In light of the well-known character of the Complainant's trademark, the composition of the disputed domain name, and the surrounding circumstances, the Panel finds that the current passive holding does not prevent a finding of bad faith under the Policy.

Moreover, the Panel finds that the Respondent has engaged in a pattern of bad faith conduct. See, *Valentino S.p.A. v. Zhangyongqiang, Wendel Ursula*, WIPO Case No. [D2026-0904](#), wherein the Respondent was found to have registered and used a trademark-abusive ".ro" domain name corresponding to another fashion brand in bad faith under similar circumstances.³ Under the [WIPO Overview 3.1](#), section 3.1.2, a pattern of abuse can be established where a respondent registers multiple trademark-abusive domain names corresponding to the distinct marks of other brand owners.

In conclusion, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its trademark, and the Respondent has engaged in a pattern of bad faith conduct.

Therefore, the Panel finds ample evidence of bad-faith registration and use, satisfying the requirements of paragraph 4(a)(iii) of the Policy. The third element is thus satisfied.

³ At the time of *Valentino S.p.A. v. Zhangyongqiang, Wendel Ursula*, WIPO Case No. [D2026-0904](#), the UDRP was the applicable policy, nevertheless the findings in that case remain relevant in the present case.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <gaps.ro> be transferred to the Complainant.

/Reyes Campello Estebanz /

Reyes Campello Estebanz

Sole Panelist

Date: October 22, 2026