

ADMINISTRATIVE PANEL DECISION

München Live TV Fernsehen GmbH & Co. KG v. Christian Reise
Case No. DTV2025-0004

1. The Parties

The Complainant is München Live TV Fernsehen GmbH & Co. KG, Germany, represented by LS-IP Loth & Spuhler Intellectual Property Law Partnerschaft von Rechtsanwälte mbB, Germany.

The Respondent is Christian Reise, Germany, represented by RAUE PartmbB, Germany.

2. The Domain Name and Registrar

The disputed domain name <münchen.tv> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 20, 2025. On August 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 2025, the Registrar 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 day, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on August 25, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform 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 August 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2025. The Response was filed with the Center on September 18, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on September 23, 2025. 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 is regional television broadcaster located in Munich, Germany. It was established on July 1, 2005.

The Complainant is the owner of the German Trademark Registration No. 30538036, registered on August 18, 2005, for MÜNCHEN.TV as a word and figurative trademark, claiming protection for various goods and services as protected in Classes 16, 38, and 41. The Complainant's trademark is currently subject to cancellation proceedings initiated by the Respondent due to alleged non-use.

The Complainant further operates its official website at <muenchen.tv>. On that website, the Complainant uses the MÜNCHEN.TV, which, however, differs from of its registered trademark in terms of its stylization.

The Respondent is an individual, also located near Munich, Germany.

The disputed domain name was registered on December 15, 2004.

According to screenshots provided in the Complaint and an independent Internet search carried out by the Panel, the disputed domain name redirects Internet users to the imprint of a meanwhile claimed terminated consulting and investment company¹.

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 Respondent registered and is using the disputed domain name in bad faith, which in view of the Complainant shall be indicated by an alleged offer of the Respondent in 2023/2024 to sell the disputed domain name to the Complainant to a price of EUR 30,000to 40,000.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Particularly, the Respondent contends that the Complainant's referred MÜNCHEN.TV trademark is currently challenged based on a cancellation request due to non-use.

¹The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has visited the Respondent's website, which is publicly available, to verify the Complainant's submission regarding the website. The Panel considers this process of verification useful in assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8.

The Respondent further argues that he has not registered the disputed domain name in bad faith, especially noting that at the time of registration of the disputed domain name in 2004, the Complainant was not even established. The Respondent rather states that he registered the disputed domain name in 2004 with the idea of developing an online platform providing information on and by companies in Munich, including videos. The Respondent still considers using the disputed domain name in the future for business models focusing on Munich businesses and events, and their presentation over the Internet.

The Respondent further asserts that the Complainant approached him by way of a cease-and-desist letter already in 2015. And although all claims were rejected by the Respondent, the Complainant did not initiate any court or other legal proceedings at that time.

The Respondent confirms that there has been also a telephone conversation with the Complainant in 2023/2024, but asserts that it was the Complainant who offered to acquire the disputed domain name for EUR 500. The Respondent asserts to have indicated in reaction to this offer that “in the event that he would sell the domain, the amount would be higher, at least at 30.000 EUR.”

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

For the evaluation of this case, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), and, where appropriate, will decide consistently with the consensus views stated therein.

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 3.0](#), section 1.7.

The Complainant has shown registered trademark rights in respect of the MÜNCHEN.TV trademark and has demonstrated that the disputed domain name and its country-code Top-Level-Domain (“ccTLD”) “.tv” comprises its trademark in Punycode. Panels have found that the use of Punycode to create a domain name that is visually identical to a trademark does not prevent a finding of identity or confusing similarity.

However, the Panel notes that the validity of the Complainant’s trademark is being contested by the Respondent for reasons of non-use but does not opine on the arguments put forward by the Respondent as to possible use of the sign “München.tv” in different stylization.

The Panel could have considered suspending the administrative proceeding until a final decision is made on the validity of the Complainant’s trademark. However, a definitive finding by the Panel on the first and even the second element can be omitted in the present case, as the Complainant is not successful for the following reasons in respect of the alleged bad faith registration by the Respondent.

B. 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.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights since the Complainant had no trademark rights, let alone had even been established at the time when the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1.

Furthermore, the case file does not contain any evidence or even substantiated assertion provided by the Complainant that the disputed domain name could have been registered by the Respondent in anticipation of the Complainant's intended trademark right registration for MÜNCHEN.TV.

Even if the Complainant's assertion that the Respondent offered to transfer the disputed domain name for more than EUR 30,000 in 2023/2024 were true, this would not indicate that the disputed domain name was registered in bad faith back in 2004.

Consequently, taking into account all the facts of the case, the Panel does not see any evidence of bad faith by the Respondent in the registration of the disputed domain name.

The Panel finds the third element of the Policy has not been established.

C. Reverse Domain Name Hijacking (RDNH)

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at RDNH or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute RDNH. [WIPO Overview 3.0](#), section 4.16.

[WIPO Overview 3.0](#), section 4.16 provides reasons articulated by panels for finding RDNH. These reasons include: "(i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant's lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (see generally section 3.8) such as registration of the disputed domain name well before the complainant acquired trademark rights, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel, (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant's failure to disclose that a case is a UDRP refiling, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, (viii) basing a complaint on only the barest of allegations without any supporting evidence."

In this case, the disputed domain name was registered before the Complainant's trademark was registered and before the Complainant was even established. Also, the Complainant appeared to approach the Respondent already in 2015 with a cease-and-desist letter, and that the Parties discussed transferring the

disputed domain name again in 2023/2024. This indicates that the Complainant has already tried to acquire the disputed domain name in the past. In the view of the Panel, this suggests that the Complainant must have been informed about the overall legal situation and the lack of requirements for claiming a transfer of the disputed domain name according to the Policy, yet still proceeded with the current Complaint.

In this regard, the Panel also notes that the Complainant is represented by an external representative in this proceeding and agrees with other panels that have held that a represented complainant should be held to a higher standard. ([WIPO Overview 3.0](#), section 4.16.)

As a result, the Panel finds that the Complainant should have known that it could not establish at least one of the essential elements under the Policy. Under these circumstances, the Panel shall accept the Respondent's request and find that the Complaint constitutes an attempt at RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: October 7, 2025