

## **ADMINISTRATIVE PANEL DECISION**

GEA Group Aktiengesellschaft v. Sophia, Sophia  
Case No. D2024-3203

### **1. The Parties**

The Complainant is GEA Group Aktiengesellschaft, Germany, represented by Bardehle Pagenberg Partnerschaft mbB, Germany.

The Respondent is Sophia, Sophia, United States of America (“United States”).

### **2. The Domain Names and Registrar**

The disputed domain names <gea-usdt.com> and <gea-usdt.vip> are registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 5, 2024. On August 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 7, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 2024, 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 amendment to the Complaint on August 7, 2024.

The Center verified that the Complaint together with the amendment to the 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 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 29, 2024.

The Center appointed Zoltán Takács as the sole panelist in this matter on September 4, 2024. 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 one of the world's largest suppliers of systems and components to the food, beverage and pharmaceutical industries. With more than 18,000 employees, the Complainant generated revenues of about EUR 5.4 billion in more than 150 countries in the 2023 fiscal year.

The Complainant is among others the owner of the following trademark registrations:

- International Trademark Registration ("IR") No. 675007 for the word mark GEA registered since January 30, 1997, and

- IR No. 674138 for the GEA figurative mark ("the logo") registered since January 30, 1997.

The Complainant owns a number of domain names comprising its GEA mark under various generic Top-Level Domains ("gTLDs") and country code Top-Level Domains ("ccTLDs"). The Complainant's main website is available at "www.gea.com.com" with the corresponding domain name <gea.com> being registered since August 19, 1995.

The disputed domain names were registered on July 3, 2024, and have resolved to closely resembling websites featuring the Complainant's mark and its logo, depicting the photo of one of the Complainant's office buildings, and referencing the Complainant on the "Company Profile" page of the websites at the disputed domain names. Currently the disputed domain names do not appear to resolve to active websites.

#### **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 names.

Notably, the Complainant contends that:

- the disputed domain names which are formed of its GEA mark followed by the term "usdt" are confusingly similar to the trademark;

- the Respondent has no rights or legitimate interests in respect of the disputed domain names since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;

- the Respondent must have been aware of the Complainant's GEA mark at the time of registration of the disputed domain names given the use of the Complainant's mark, logo and the picture of one of its office buildings at the websites under the disputed domain names, and that the Respondent's use of the disputed domain names to falsely associate its websites with the Complainant and its services is evidence of bad faith.

The Complainant requests that the disputed domain names be transferred from the Respondent to the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the domain names are identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the domain names; and
- (iii) the domain names have been registered and are 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 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant's GEA mark is reproduced and is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the term "usdt" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of the Policy has been established.

### 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 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 3.0](#), 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Respondent is not affiliated with the Complainant in any way and has never been authorized by the Complainant to register and use any domain name incorporating its GEA mark.

As shown by the Complainant, the Respondent effectively impersonated the Complainant by using the disputed domain names for websites offering financial services that featured the Complainant's mark, logo and photo of one of its office buildings and referenced the Complainant on the "Company Profile" page of the websites at the disputed domain names.

Panels have held that the use of a domain name for illegal activity, here impersonation/passing off as applicable to this case can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that 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.

In the present case, the Panel notes that the Respondent reproduced the Complainant's trademark in the disputed domain names and as mentioned above used the Complainant's mark, logo and photo of its office building, and clearly referenced the Complainant on the "Company Profile" page of the websites at the disputed domain names. Thus, in view of the Panel, the Respondent must have had actual knowledge of the Complainant's business and trademark at the time of registration of the disputed domain names, which it registered in order to target the Complainant's trademark. [WIPO Overview 3.0](#), sections 3.2.1 and 3.2.2.

As mentioned above, the Respondent has used the disputed domain names to direct Internet traffic to its websites through impersonation or false association. Panels have held that use of domain name for illegal activity, such as impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The fact that the disputed domain names currently do not appear to be resolving to active websites does not prevent a finding of bad faith. The Respondent failed to submit a response or to provide any evidence of actual or contemplated good faith use and the Respondent appeared not to have used accurate contact details at registration (the postal address is incomplete since it does not contain any street name of building number) which the Panel notes to be a further indication supporting the Panel's finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

The Panel finds that the Complainant has established the third element of the Policy.

## **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 names <gea-usdt.com> and <gea-usdt.vip> be transferred to the Complainant.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: September 18, 2024