

ADMINISTRATIVE PANEL DECISION

VDA Verband der Automobilindustrie e.V. v. Manendar Nandal
Case No. D2024-3441

1. The Parties

The Complainant is VDA Verband der Automobilindustrie e.V., Germany, represented by Kroher Strobel Rechts- und Patentanwälte PartmbB, Germany.

The Respondent is Manendar Nandal, India.

2. The Domain Name and Registrar

The disputed domain name <eagleadblue.com> is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2024. On August 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 23, 2024, 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 (Eagle Adblue Industries) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 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 amended Complaint on August 27, 2024.

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 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 20, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on September 27, 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 (in English, “the Association of the Automotive Industry”) is a voluntary association, legally registered in Germany. It is an interest group comprising automobile manufacturers and component suppliers.

The Complainant is the owner of over 60 trademark registrations in territories around the world for the mark ADBLUE. Those registrations include, for example, International trademark registration number 811899 for the word mark ADBLUE, registered on August 8, 2003 in International Class 1, and designating over 70 countries in various geographical regions.

The Complainant submits that ADBLUE is a well-known trademark relating to urea, which reduces nitrogen oxide (“NOX”) emissions of diesel engines. It exhibits an information flyer concerning the ADBLUE product (although it omits to provide any material evidence of the use of the mark in commerce, or of any reputation or goodwill claimed to attach to the mark).

The disputed domain name was registered on November 30, 2023.

The disputed domain name has resolved to a website headed “EAGLE ADBLUE” and featuring an “eagle” logo. The website text refers to “leading the way in ADBLUE supply” and to being “a global leader in diesel exhaust fluid... from India,” as well as displaying various product images labelled “Eagle Adblue”.

5. Parties’ Contentions

A. Complainant

The Complainant submits that the disputed domain name is confusingly similar to its ADBLUE trademark. It contends that the disputed domain name wholly incorporates that trademark, and that the addition of the element “eagle” does not serve to distinguish the disputed domain name from its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never licensed or authorized the Respondent to use its ADBLUE trademark, and contends that the Respondent has no independent rights in respect of that mark. The Complainant submits that the Respondent’s use of the disputed domain name, to sell products identical to those for which its ADBLUE trademark is registered, cannot be deemed a bona fide use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It asserts that the use of a well-known trademark by a party having no legitimate connection with that trademark amounts to opportunistic bad faith. It contends further that, by using the Complainant’s ADBLUE trademark to sell urea solutions for the reduction of NOX in vehicle emissions, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

(i) the disputed domain name is 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 disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it has registered trademark rights in respect of the mark ADBLUE. The disputed domain name comprises that mark in full, preceded by the dictionary word "eagle", which does not prevent the Complainant's trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the first element under the Policy is satisfied.

B. Rights or Legitimate Interests, and C. Registered and Used in bad Faith

The Panel considers it appropriate in this case to consider the second and third elements under the Policy together.

The Panel finds the Complainant's trademark ADBLUE to be distinctive, and accepts that that mark has gained a level of public recognition in connection with solutions to reduce NOX vehicle emissions. In the circumstances, the Panel does not consider it credible that the Respondent could have registered the disputed domain name, or used it in connection with the sale of similar products, without knowledge of the Complainant's ADBLUE trademark and the intention to take unfair commercial advantage of the Complainant's goodwill attaching to that trademark. Those circumstances cannot give rise to rights or legitimate interests in respect of the disputed domain name on the part of the Respondent, and the Panel finds further that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the second and third elements under the Policy are satisfied.

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 <eagleadblue.com> be cancelled to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: October 10, 2024