# Panel Decision for dispute CAC-ADREU-008749

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| Case number | CAC-ADREU-008749 |
| Time of filing | 2025-06-30 09:34:00 |
| Domain names | weissmann.eu |

## Case administrator

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| Organization | Iveta Špiclová (Czech Arbitration Court) (Case admin) |

## Complainant

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| Name | Mag.(FH) Gregor Gregor Weissmann |

## Respondent

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| Organization | Finesky GmbH |

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

There are no other legal proceedings of which the Panel is aware that are pending or decided and that relate to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is an Austrian citizen with the family name “Weissmann”.

The Respondent is “Finesky GmbH”, a limited liability company under German law.

According to EURid’s verification in the present ADR case, the disputed domain name was registered on 10 December 2013 with the registrar “IONOS SE”. The language of the registration agreement for the domain name is English.

The domain name is used for the Respondent’s corporate website, which presents filtration and other water treatment products under the brand name “FineSky”. The word “Weissmann” is not mentioned anywhere on the website.

A. COMPLAINANT

The Complainant contends that the Respondent’s registration of the disputed domain name was speculative or abusive because the Respondent has no rights or legitimate interest in it.

B. RESPONDENT

The Respondent did not file a response.

DISCUSSION AND FINDINGS

1.

Pursuant to Paragraph B11(d)(1) of the ADR Rules, the Complainant must prove that:

(i) The disputeddomain name is identical or confusingly similar to a name in respect of which a right is recognised or established by the national law of a Member State and/or European Union law and; EITHER

(ii) The disputed domain name has been registered by the Respondent without rights or legitimate interest in the name; OR

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

2.

The Complainant asserts that his family name is “Weissmann”. The Respondent has not contested this assertion.

The Complainant’s family name “Weissmann” is (i) identical to the disputed domain name and (ii) a name in respect of which a right is recognised or established under both Austrian and German law, specifically § 43 of the Austrian “Allgemeines bürgerliches Gesetzbuch” and § 12 of the “Bürgerliches Gesetzbuch”.

3.

Pursuant to Paragraph 11(f)(5) of the ADR Rules, it may evidence the registration or use of a domain name in bad faith if the domain name is a personal name for which no demonstrable link exists between the Respondent and the domain name registered. As discussed above, the disputed domain name corresponds to the Complainant’s personal name “Weissmann”. The Panel also finds that – at least at the time of this decision – no demonstrable link exists between the Respondent and the disputed domain name. The Panel therefore finds that the disputed domain name has been registered or is being used in bad faith pursuant to Paragraph B11(d)(1)(iii) of the ADR Rules.

4.

Given the alternative character of Paragraphs B11(d)(1)(ii) and (iii) of the ADR Rules it is not necessary to assess whether the disputed domain name has also been registered by the Respondent without rights or legitimate interest in the name.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (d) of the Rules, the Panel orders that the domain name <weissmann.eu> be transferred to the Complainant.

This decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction (see Paragraphs B12(a) and B14 of the ADR Rules).

## PANELISTS

| Name | **Dr. Thomas Schafft** |
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DATE OF PANEL DECISION 2025-06-30

## Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. The Disputed domain name: <weissmann.eu>

II. Country of the Complainant: Austria. Country of the Respondent: Germany

III. Date of registration of the domain name: 10 December 2013

IV. Rights relied on by the Complainant (B(11)(d)(1)(i) ADR Rules) on which the Panel based its decision: Family name "Weissmann"

V. Response submitted: No

VI. Domain name is identical to the protected right/s of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(d)(1)(ii) and (e) ADR Rules):
1. Not discussed
2. Why: Alternative character of B11(d)(1)(ii) and (iii) of the ADR Rules

VIII. Bad faith of the Respondent (B(11)(d)(1)(iii) and (f) ADR Rules):
1. Yes
2. Why: The domain name is a personal name for which no demonstrable link exists between the Respondent and the disputed domain name (Article 11(f)(5) of the ADR Rules)

IX. Other substantial facts the Panel considers relevant: N/A

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: N/A

XII. Is Complainant eligible? Yes