# Panel Decision for dispute CAC-ADREU-008786

| | |
|---|---|
| Case number | CAC-ADREU-008786 |
| Time of filing | 2025-08-24 07:35:48 |
| Domain names | touax.eu |

## Case administrator

Olga Slanařová (Case admin)

## Complainant

| | |
|---|---|
| Organization | TOUAX SCA – SGTR – CITE – SGT – CMTE – TAF – SLM TOUAGE INVESTISSEMENTS REUNIES |

## Complainant representative

| | |
|---|---|
| Organization | NAMESHIELD S.A.S. |

## Respondent

| | |
|---|---|
| Name | Yikai Ren |

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

The Panel is not aware of any other pending or decided legal proceedings relating to the disputed domain name.

FACTUAL BACKGROUND

On 27.5.2025 Yikai Ren (hereinafter, the "Respondent") registered the domain name <touax.eu> (hereinafter "the disputed domain name").

On 4.6.2025 the company TOUAX SCA – SGTR – CITE – SGT – CMTE – TAF – SLM TOUAGE INVESTISSEMENTS REUNIES (hereinafter, in short "Touax Group" or "the Complainant") filed a complaint before the ADR Center for .eu of the Czech Arbitration Court, requesting the transfer of the disputed domain name to themselves.

On 12.6.2025, the EURid verified that the Respondent is the registrant of the disputed domain name.

After amendment of the details of the Respondent by the Complainant, the Respondent was duly notified of the ADR proceedings by email and by registered mail to the addresses he provided to the EURid. The registered mail communication went undelivered and the Respondent failed to file a response to the complaint.

Therefore, the CAC issued a notification of the Respondent's default.

A. COMPLAINANT

The Complainant contends that:

1. the disputed domain name <touax.eu> is identical to their own trademark TOUAX, registered amongst others as International trademark n°971690 registered since February 29, 2008 designating notably the European Union.

2. the Respondent has no rights or legitimate interests in the disputed domain name <touax.eu>.

3. the disputed domain name <touax.eu> is identical to the Complainant's well-known trademark TOUAX.  The term “TOUAX” has no dictionary meaning, except as referring to the Complainant’s trademark.

The disputed domain name redirects to a website where it is offered for sale. The Complainant claims that the Respondent fails to make an active use of the disputed domain name and that the Respondent has registered the disputed domain name only in order to sell it back for out-of-pockets costs.

On this basis, the Complainant concludes that the Respondent has registered and is using the disputed domain name <touax.eu> in bad faith.

## B. RESPONDENT

The Respondent was declared in default and did not file any Response nor further reply.

## DISCUSSION AND FINDINGS

According to Article 21(1) of the Commission Regulation (EC) 874/2004, Regulation (EU) 2019/517 and to Paragraph B11(d)(1) of the ADR Rules, the Complainant must show that: the disputed domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by national and/or EU law (point A below); and has been registered by its holder without rights or legitimate interest in the name (B); or has been registered or is being used in bad faith (C).

A. Identity or confusing similarity

The Complainant has provided evidence of being the owner of a trademark registration for the TOUAX mark, consisting of a word stylized in a quite common font and together with an oval line encompassing it.

The Panel found out that the trademark registration above on which the present decision could be based, is the mark above descripted, which is registered for several products/services in classes 06, 12, 19, 36, 37, 39, 42, and 43 as an International registration covering several jurisdictions, including amongst others the European Uniontogether with the company name of the Complainant,, which begins with TOUAX, and their business name which is  "TOUAX", as evident on the Complainant's website www.touax.com, a domain name in itself registered by the Complainant since 1998.(together from now on "the distinguishing signs").

In comparing the disputed domain name <touax.eu> to the Trademark, it should be taken into account that the suffixes, including the .eu top-level domain, may be excluded from consideration as being merely a functional component of a domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant's registered trademark and other distinguishing signs, as it incorporates them in its entirety.

The first requirement of Article 4(4) of the Regulation (EU) 2019/517 and of § B11(d)(1)(i) of the ADR Rules is therefore met.

B. Rights or legitimate interest in the disputed domain name

According to the evidence at hand, prima facie it does not seem that the Respondent has any rights or legitimate interest in the disputed domain name.

In particular, evidence is presented that, prior to notice of the dispute, the disputed domain was offered for sale within a parking page, and the Respondent has not used the disputed domain name in connection with the offering of goods or services, nor has made demonstrable preparation to do so.

There is also no prima facie evidence that the Respondent has been commonly known by the Domain Name.

The Panel therefore concludes that, on the balance of probabilities, the disputed domain name was registered by the Respondent without rights or legitimate interest in accordance with Article 4(4)(a) of the Regulation (EU) 2019/517 and of § B11(d)(1)(ii) of the ADR Rules.

C. Bad faith

Although the literal text of the, Regulation (EU) 2019/517 and of the ADR Rules does not mandate to examine the Respondent's bad faith requirement once the lack of rights or legitimate interest requirement is satisfied, the Panel will now also examine the requirement of bad faith, in order to make a complete assessment and in line with the best practices in the matter.

As far as the bad faith in the use of the disputed domain name is concerned, the Panel took into consideration evidence submitted by the Complainant , which shows that the Respondent has offered to sell the disputed domain name to the Complainant for a substantial amount of EUR 1450 which is above any out-of-pocket costs.

These are circumstances which the Panel believes indicate that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant.

Moreover, and in particular because prima facie it appears that the disputed domain name has not been used in any relevant way by the Respondent, the Panel assumes that the disputed domain name has been registered in order to prevent the Complainant from reflecting this name in a corresponding domain name.

The third requirement of Article 4(4)(b) of thr Regulation (EU) 2019/517 and of § B11(d)(1)(iii) of the ADR Rules regarding bad faith of the Respondent is therefore, on the balance of probabilities, also met.

Lastly, for TOUAX SCA – SGTR – CITE – SGT – CMTE – TAF – SLM TOUAGE INVESTISSEMENTS REUNIES is a company with registered offices in France, as evidenced in the complaint, the Complainant satisfies the eligibility criteria as set out in Article 4(2)(b) of Regulation (EC) 733/2002.

DECISION

For all the foregoing reasons, in accordance with §§ B12 (b) and (c) of the Rules, the Panel orders that the Domain name <touax.eu> be transferred to the Complainant.

## PANELISTS

| Name | Giovanni Orsoni |
|---|---|

DATE OF PANEL DECISION 2025-08-24

## Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: [touax.eu]

II. Country of the Complainant: [France], country of the Respondent: [Italy]

III. Date of registration of the domain name: [27 May 2025]

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. trademark registered as an International Registration designating the European Union, US, CH, MA, reg. No. 971690, for the term TOUAX, filed on [29 February 2008], registered (granted for the EU) on [22 July 2009] in respect of goods and services in classes [06, 12, 19, 36, 37, 39, 42, 43]
2. business identifier: Touax
3. company name: TOUAX SCA – SGTR – CITE – SGT – CMTE – TAF – SLM TOUAGE INVESTISSEMENTS REUNIES
4. domain name: touax.com

V. Response submitted: [No]

VI. Domain name is [identical] to the protected rights of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. [No]
2. Why: evidence the Domain Name has not been used for the offering of goods and services, but only been put for sale within a parking page; no prima facie evidence the Respondent has been commonly known by the Domain Name.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. [Yes]
2. Why: evidence that the Respondent has offered to sell the Domain Name to the Complainant for an amount well above any out-of pocket costs, and has not used it in a relevant way.

IX. Other substantial facts the Panel considers relevant: none.

X. Dispute Result: [Transfer of the disputed domain name]

XI. Procedural factors the Panel considers relevant: Default of the Respondent.

XII. Is Complainant eligible? [Yes]