Panel Decision for dispute CAC-ADREU-008820

Case number	CAC-ADREU-008820
Time of filing	2025-09-05 12:55:19
Domain names	schierer.eu

Case administrator

Olga Slanařová (Case admin)

Complainant

Name	Peer Schierer

Respondent

Organization	CORNUCOPIAS.COM OÜ

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 legal proceedings which are pending or decided and which relate to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is a German individual named “Peer Schierer”.

The Respondent is an Estonian company that focuses on the registration and resale of domain names.

The disputed domain name was registered on March 21, 2007.

At the time of this decision, the disputed domain name is offered for sale on the website “www.domainseller.site” with the message: “Buy schierer.eu – 3,000 EUR excl. VAT.” Previously, that is, at the time the Complaint was submitted, the disputed domain name was offered for sale at 2,000 EUR excluding VAT, with a message stating: “Price increases to 3,000 EUR on 22 August 2025.”

A. COMPLAINANT

The Complainant documents and asserts rights in his family name, Schierer, pursuant to section 12 of the German Civil Code, which states:

“If the right of a person to use a name is disputed by another person, or if the interest of the person entitled to the name is injured by the unauthorized use of the same name by another person, then the person entitled may require the other to remove the infringement. If there is the concern that further infringements may ensue, the person entitled may seek a prohibitory injunction.”

The Complainant submits that the disputed domain name is identical to his family name.

The Complainant asserts that the Respondent has no demonstrable rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the domain name, nor is there any evidence of it conducting any legitimate business activities related to it. Furthermore, the disputed domain name redirects to a commercial domain sales page, which, according to the Complainant, does not constitute a legitimate interest.

The Complainant further states that the Respondent's conduct—combining the long-term passive holding of a personal surname with an attempt to sell the domain name via a marketplace—demonstrates that the domain name is being used in bad faith.

The Complainant requests the transfer of the disputed domain name.

B. RESPONDENT

The Respondent submits that it was not aware of any exclusive or prominent rights held by the Complainant in the surname “Schierer,” nor of any substantial brand or reputation associated with it. The Respondent further argues that “Schierer” is a relatively common surname in Central

Europe, and that multiple parties may plausibly have a legitimate interest in registering or using the disputed domain name. The Respondent contends that the widespread use of the surname supports the view that the registration of the disputed domain name was not specifically directed at the Complainant or any particular rights holder. Rather, the Respondent maintains that the domain name was registered out of a general interest, and not with the intent to exclude, block, or harm any specific party.

The Respondent explains that the disputed domain name was acquired as an available domain for potential future projects, generic business use, or legitimate development. While the disputed domain name was publicly offered for sale, the Respondent asserts that there was no direct approach to the Complainant, nor any targeted attempt to exploit the Complainant's identity or goodwill.
The disputed domain name does not specifically refer to a well-known company, trademark, or public figure. There is no evidence of deliberate misuse or an intention to benefit from the Complainant's reputation.

The Respondent asserts that the choice of the disputed domain name was based solely on its intrinsic value and was in no way a targeted attempt to prevent the Complainant or any specific individual from registering it.

Furthermore, the Respondent notes that, although name rights are protected under the .eu policy, the mere existence of a surname does not automatically justify a domain name transfer. In support of this position, the Respondent refers to Silvan (Janis) Stein v. Premium Domain Names S.L., WIPO Case No. DEU2024-0039, where the panel held that "it must be demonstrated that the respondent specifically aimed to block, exclude, or mislead a rights holder," which the Respondent submits is not the case here.

DISCUSSION AND FINDINGS

Pursuant to paragraph B11(d)(1) of the ADR Rules, the Complainant is required to demonstrate that:

1. The disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
2. The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
3. The domain name has been registered or is being used in bad faith.

1. **Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law**

The Panel finds that the Respondent has rights in the family name "Schierer" for purposes of standing under paragraph B11(d)(1)(i) of the ADR Rules.

The disputed domain name comprises the Second-Level Domain "schierer". The Top-Level Domain ".eu" may be disregarded for the purposes of comparison with the Complainant's name. The disputed domain name is identical to the name "Schierer" in which the Complainant has rights.

The Panel finds that the Complainant has satisfied the requirements of the first element of the ADR Rules.

1. **Rights or Legitimate Interests**

The Complainant maintains that the Respondent lacks rights or legitimate interests in the disputed domain name on the basis that the domain name corresponds to the Complainant's family name, is passively held, and is being offered for sale.

The Respondent, however, argues that the disputed domain name was registered due to its intrinsic value, noting that it corresponds to a relatively common surname in Central Europe, and that therefore many parties could legitimately have an interest in registering or using the disputed domain name.

Prior panels have held that the registration of a domain name for the purpose of sale may, in certain circumstances, give rise to legitimate interest in that domain name on the part of the registrant; see Banca Monte dei Paschi di Siena S.p.A. v. Domain Manager, Evolution Media e.U., WIPO Case No. DEU2024-0004.

The Panel accepts that "Schierer" is used as a family name, including by the Complainant, but also acknowledges that it is a relatively common surname in Germany and in Central Europe. In addition, "schierer" appears to have a dictionary meaning, as the inflected form (nominative masculine singular) of the German adjective "schier," meaning "pure" or "sheer". The Complainant has not come forward with any evidence to support a finding that the Respondent registered the disputed domain name with knowledge of the Complainant or his family name at the time that the disputed domain name was registered. Notably, there is no evidence that the Respondent has ever approached the Complainant directly attempting to sell the disputed domain name. Rather, the Panel accepts the Respondent's assertion that it registered the disputed domain name in light of its inherent value as a common surname in Germany, and did so without knowledge of the Complainant, and therefore without any intent to target the Complainant.

In light of the above, the Panel finds that the Complainant has failed to establish that the Respondent registered the disputed domain name without rights or legitimate interests. The Complainant has not satisfied the requirements of paragraph B(11)(d)(1)(ii) of the ADR Rules.

1. **Registered or Used in Bad Faith**

The Complainant has not provided any evidence to demonstrate that the Respondent registered the disputed domain name with specific knowledge of the Complainant or with the intent to target the Complainant's family name. Indeed, the Complainant himself concedes that "bad faith registration targeting the Complainant is not at issue, as the domain was registered in 2007 when the Complainant was one year old". The

absence of any direct approach by the Respondent to sell the domain name to the Complainant further supports the Respondent's assertion that there was no intent to exploit the Complainant's name or reputation.

At the same time, the Respondent has confirmed that it focuses on registering and selling domain names, which includes the registration of domain names composed of terms with inherent value. The Panel acknowledges that "schierer" functions both as a family name and, to some extent, as a dictionary term, and that the term is not exclusively associated with the Complainant, which further diminishes the likelihood of bad faith registration or use.

The Panel finds that the Complainant has not established that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the Complainant, as outlined in paragraph B11(f)(1) of the ADR Rules.

For completeness, the Panel has considered whether the disputed domain name is a "personal name for which no demonstrable link exists between the Respondent and the domain name registered", as contemplated by paragraph B11(f)(5) of the ADR Rules. Given that the disputed domain name corresponds to a common surname and, to some extent, as set out above, to a dictionary term, the Panel is not of the view that the disputed domain name is of a nature to warrant being subject to this provision of the ADR Rules.

For reasons set out above, the Panel finds that the Complainant has failed to establish that the disputed domain name was registered or is being used in bad faith.

The Complainant has not satisfied the requirements of paragraph B(11)(d)(1)(iii) of the ADR Rules.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that:

the Complaint is Denied.

PANELISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2025-09-07

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: shierer.eu

II. Country of the Complainant: Germany, country of the Respondent: Estonia

III. Date of registration of the domain name: 21 March 2007

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:

10. family name:

V. Response submitted: Yes

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

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. Yes
2. Why: the Panel accepts the Respondent's assertion that it registered the disputed domain name in light of its inherent value as a common surname in Germany, and did so without knowledge of the Complainant, and therefore without any intent to target the Complainant.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. No
2. Why: The Panel finds that the Complainant has not established that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the Complainant, as outlined in paragraph B11(f)(1) of the ADR Rules.

IX. Other substantial facts the Panel considers relevant:

X. Dispute Result: Complaint denied