Panel Decision for dispute CAC-ADREU-008867

Case number	CAC-ADREU-008867
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Domain names	f2.eu

Case administrator

Olga Slanařová (Case admin)

Complainant

Organization	f-quadrat IT GmbH

Respondent

Organization	CHINA TOWN GOLDEN WILLOW LIMITED

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

This factual background reflects the information provided by the Parties and the results of the limited independent research in publicly-available records about the Parties and the disputed domain name that was carried out by the Panel, as expressly allowed under Paragraph B7(a) of the ADR Rules.

The Complainant is a company registered in Germany. It was established in 2022 as HeartESC GmbH and changed its name to f-quadrat IT GmbH in 2025. The change was officially registered on 11 March 2025 (according to the information publicly available on the website of the German Gemeinsamen Registerportal der Länder (the Common Register of Companies portal for the German federal states) at https://www.handelsregister.de/rp_web/welcome.xhtml). The Complainant's official German-language website, located at the domain name <fquadrat.it>, registered on 11 February 2025, describes the Complainant as an IT service provider with a specialization in medical facilities, offering comprehensive solutions tailored to the requirements of medical practices. The earliest Wayback Machine archived copy of the Complainant's official website is dated 17 June 2025. (See https://web.archive.org/web/20250617002114/https://fquadrat.it/).

The Complainant is the owner of the German trademark F-QUADRAT with registration No. 302025211162, applied for on 23 March 2025 and registered on 11 July 2025 for services in International Class 42 (the "F-QUADRAT trademark").

The Complainant is also the owner of the figurative German trademark F2 with registration No. 302025219699, applied for on 14 May 2025 and registered on 2 September 2025 for goods in International Class 9 (the "F2 trademark").

The Respondent is a company registered in Ireland on 25 April 2024 (according to the information publicly available on the website of Oifig Chlárúcháin Cuideachtaí (the Irish Companies Registration Office) at https://cro.ie/post-registration/company-search/).

The disputed domain name was registered on 31 October 2006. The Respondent states that it "took over the business in 2024", and at the same time claims that the registration data for the registrant of the disputed domain name shows its company name but uses a third-party email address, allegedly showing that the Respondent's name was used without its knowledge or permission. This allegation is however contradicted by the fact that the Respondent has communicated with the CAC using the email address specified by the Registrar in its verification response to the CAC, which indicates that the Respondent and the registrant of the disputed domain name must be the same person or entity.

The disputed domain name currently resolves to a Sedo landing page with a tab title that displays the "S" favicon of Sedo and the text "f2.eu – This website is for sale! – f2 Resources and information". The webpage also displays several links that are not related to the Complainant and its IT business, and the message: "Buy this domain The owner of f2.eu is offering it for sale for an asking price of 2500 GBP!" The "Buy this domain" text is a link that redirects to the Sedo platform, where the disputed domain name is offered for sale for the price of GBP 2500. All Wayback Machine-archived copies of the website (the earliest of them dated 5 March 2016) display a similar Sedo parking webpage offering the disputed domain name for sale for GBP 2500.

A. COMPLAINANT

COMPLAINANT

The Complainant states that the disputed domain name is identical to the F2 trademark, because it fully incorporates the trademark.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it was incorporated on 25 April 2024, which is long after the original registration of the disputed domain name in 2006. The Complainant submits that the Respondent is not known under the designation "F2" and does not operate any corresponding trademark or business or offer any related goods or services. The Complainant adds that the disputed domain name is not actively used, but is only parked and accessible via a standard placeholder page indicating potential sale or a temporary holding function. The Complainant claims that parking a domain name without use does not constitute a legitimate interest within the meaning of Article 4(4)(a) of Regulation (EU) 2019/517.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It points out that since its acquisition by the Respondent in 2024, the disputed domain name has not been actively used. According to the Complainant, this indicates a speculative or abusive registration aimed at blocking the disputed domain name or monetizing its value through third parties, such as the trademark owner. The Complainant maintains that under Article 4(4)(b) of Regulation (EU) 2019/517 and the CAC case law, a registration of a domain name is considered to be in bad faith if it is made without legitimate interest and the holder keeps the domain name for the purpose of sale or to block its legitimate use by the trademark owner.

B. RESPONDENT

The Respondent submitted the following Response in this proceeding:

"Our company CHINA TOWN GOLDEN WILLOW LIMITED only took over the business in 2024, and we had no existence or involvement in 2006 when this domain was originally registered. The WHOIS listing shows our company name but uses a third-party email address […], confirming that our details were used without our knowledge or permission. We request to be removed as a respondent, as we have no connection to the domain."

DISCUSSION AND FINDINGS

According to Article 4(4) of Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004, a domain name may be revoked, and where necessary subsequently transferred to another party, following an appropriate ADR or judicial procedure, in accordance with the principles and procedures on the functioning of the .eu TLD laid down pursuant to Article 11, where that name is identical or confusingly similar to a name in respect of which a right is established by Union or national law, and where it:

(a) has been registered by its holder without rights or legitimate interest in the name; or

(b) has been registered or is being used in bad faith.

Identical or Confusingly Similar

Complainant's Rights

Pursuant to Article 4(4) of Regulation (EU) 2019/517, the Complainant must, first of all, establish that the disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by Union or national law.

It is established by the Complainant's uncontested documentary evidence before this Panel that the Complainant is the registered owner of the F2 and F-QUADRAT trademarks, registered in 2025. These two trademarks were registered after the Respondent acquired the disputed domain name in 2024.

Identity or Confusing Similarity

The Complainant's F2 trademark is figurative, combining a stylized alphanumeric element "F2" with a graphical element. Domain names cannot be identical to figurative trademarks, since their graphical elements cannot be reproduced in a domain name. It is however possible a domain name to be confusingly similar to the word element(s) of a figurative trademark. See section III.8 of the Overview of CAC Panel Views on Selected Questions of the Alternative Dispute Resolution for .EU Domain Name Disputes, 2nd Edition (the "CAC .EU Overview 2.0").

Furthermore, it is the consensus view among the panels that the applicable Top-Level Domain may be disregarded in determining identity or confusing similarity, since it is viewed as a standard registration requirement. See section III.1 of the CAC .EU Overview 2.0.

Here, the disputed domain name is identical to the dominating and easily distinguishable alphanumeric F2 element of the Complainant's F2 trademark.

Therefore, the Panel finds that the Complainant has established that 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 Community law.

For completeness, the Panel notes that the disputed domain name is not confusingly similar to the Complainant's F-QUADRAT trademark.

Rights and Legitimate Interests

According to Article 4(4)(a) of Regulation (EU) 2019/517, the Complainant is also required to prove the lack of rights or a legitimate interest of the Respondent in the disputed domain name.

The disputed domain name consists of the very short alphanumeric string "F2". A simple Google search shows that F2 has several meanings and a multitude of uses (none of which refers to the Complainant), including to refer to Formula 2 racing (FIA F2), to error codes in home appliances, to a function key on a computer keyboard, to the fluorine gas in chemistry, to the second filial generation in genetics, etc. The characteristics of the disputed domain name give it an intrinsic value and attractiveness to many parties that could legitimately have an interest in registering and using it.

The Complainant has not come forward with any arguments or evidence to support a finding that the Respondent acquired the disputed domain name with knowledge of the Complainant or its F2 trademark. Indeed, there is no explanation how the Respondent could have known in 2024 that the following year the Complainant would change its name and apply for the registration of the F2 trademark. The Complainant does not claim and does not submit evidence that it has used the F2 trademark at any point in time before the filing of the application for it on 14 May 2025.

There is also no evidence that the Respondent has ever approached the Complainant in an attempt to sell the disputed domain name.

The Wayback Machine records for the disputed domain name show that starting from 2016, it has always displayed a similar Sedo landing webpage offering it for sale for GBP 2500. None of these records includes any mention of the Complainant or of the IT business in which it is involved. See https://web.archive.org/web/20160305183511/http://f2.eu/.

The printout of the webpage submitted by the Complainant contains links with keywords related to holiday homes and apartments and to self-help content. None of this shows that the offering for sale of the disputed domain name and the offered price have anything to do with the Complainant or its F2 trademark.

In these circumstances, there is no evidence to support a conclusion that the disputed domain name was registered with knowledge of the Complainant and with an intent to target it and its F2 trademark. It appears more likely that it was registered and is being offered for sale in light of its attractiveness and intrinsic value as a very short domain name that may be used by many different entities for many different and independent purposes.

As recently noted in Peer Schierer v. CORNUCOPIAS.COM OÜ, CAC Case No. CAC-ADREU-008820, citing Banca Monte dei Paschi di Siena S.p.A. v. Domain Manager, Evolution Media e.U., WIPO Case No. DEU2024-0004, 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 https://eu.adr.eu/decisions/detail?id=68beef034ca70127cd0d31de.

The cases referred to by the Complainant, i.e., CAC case No. CAC-ADREU-008618 and CAC Case No.CAC-ADREU-008786, are not relevant to the present dispute, as they involved distinctive and well-established trademarks that had been registered and extensively used long before the registration of the domain names in dispute.

Considering the above, the Panel finds that the Complainant has not established that the disputed domain name was registered by its holder without rights or legitimate interest in it.

Bad Faith

In order to meet the other alternative requirement under Article 4(4)(b) of Regulation (EU) 2019/517, the Complainant must prove that the disputed domain name was registered or used in bad faith.

As already discussed above, the Respondent acquired the disputed domain name about one year before the Complainant filed the application for the F2 trademark and started using this trademark. The Complainant has not submitted any arguments or evidence that in 2024 the Respondent must have anticipated that the following year the Complainant would decide to register and use the F2 trademark. There is no evidence that the website at the disputed domain name has ever referred to the Complainant, its trademark or the IT business in which the Complainant is involved. It has continuously resolved to a Sedo landing page offering it for sale for the same price since 2016. There is no evidence that the Respondent has ever initiated any contact with the Complainant or offered it to buy the disputed domain name. The disputed domain name has an intrinsic value and attractiveness stemming from its shortness and the wide use of the alphanumeric string F2 for a variety of purposes unrelated to the Complainant, which gives a plausible explanation for its registration and justifies the asking price put for it by the Respondent.

As noted in the decision in CAC Case No.CAC-ADREU-008449, "the mere fact that the Domain Name is offered at a certain price is as such not sufficient to conclude that there would be (i) absence of legitimate interest or (ii) bad faith". See https://eu.adr.eu/decisions/detail?id=645b625da1d041481f07d138.

The decision in CAC Case No.CAC-ADREU-007159 states: "In this case the Respondent is in the business of registering, buying and selling domain names. Such business is perfectly legal so far as it does not attempt to benefit from the goodwill or positive image of a third party's trade mark or sign." See https://eu.adr.eu/decisions/detail?id=638887f585a27e53bb0a9dc2.

The CAC .EU Overview 2.0 states in section V.2: "if the respondent could not have been aware of yet not even existing trademark rights there can be no bad faith."

As stated in CAC Case No. CAC-ADREU-008066, "the Respondent registered the disputed domain name prior to the registration date of the Complainant's company name. As [the domain name] is descriptive, and there is no details in the case indicating that the Respondent was aware of the Complainant's plans to create a similar company name, the Panel cannot see that [the domain name] was registered in bad faith. … Owners of descriptive domain names, registered prior to any other's name rights, have the full right to claim a more market-based price for that domain name in case someone express interest in buying that domain name." See https://eu.adr.eu/decisions/detail?id=638888e26af6268138085f62.

In view of the above, 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, or that the disputed domain name has been registered in order to prevent the Complainant from reflecting its name in a corresponding domain name, as outlined in paragraph B11(f)(2) of the ADR Rules.

Given that the disputed domain name is not a personal name, but only consists of the alphanumeric string “F2”, the Panel considers that the disputed domain name is not of a nature to warrant being subject to paragraph B11(f)(5) of the ADR Rules, which would only apply to a “personal name for which no demonstrable link exists between the Respondent and the domain name registered”.

DECISION

For all the foregoing reasons, in accordance with Paragraph B12 of the Rules, the Panel orders that the Complaint is denied.

PANELISTS

Name	Assen Alexiev

DATE OF PANEL DECISION 2025-12-19

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: f2.eu

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

III. Date of registration of the domain name: 31 October 2006

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. German trademark F-QUADRAT with registration No. 302025211162, applied for on 23 March 2025 and registered on 11 July 2025 for services in International Class 42.

2. German trademark with registration No. 302025219699, applied for on 14 May 2025 and registered on 2 September 2025 for goods in International Class 9.

V. Response submitted: Yes

VI. Domain name is confusingly similar to the protected rights of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. Yes
2. Why: 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. Here, it appears more likely that the disputed domain name was registered and is being offered for sale not to target the Complainant's F2 trademark, but in light of its attractiveness and intrinsic value as a very short domain name that may be used by many different entities for many different and independent purposes.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. No
2. Why: There is no evidence that when acquiring the disputed domain name in 2024, the Respondent anticipated that the following year the Complainant would decide to register and use the F2 trademark. There is no evidence that the website at the disputed domain name has ever referred to the Complainant's F2 trademark and it has continuously resolved to a Sedo landing page offering it for sale for the same price since 2016. There is no evidence that the Respondent has ever initiated any contact with the Complainant or offered it to buy the disputed domain name. The disputed domain name has an intrinsic value and attractiveness stemming from its shortness and the wide use of the alphanumeric string F2 for a variety of purposes unrelated to the Complainant, which gives a plausible explanation for its registration and justifies the asking price put for it by the Respondent.

IX. Other substantial facts the Panel considers relevant:

X. Dispute Result: Complaint denied

XI. Procedural factors the Panel considers relevant:

XII. [If transfer to Complainant] Is Complainant eligible? Not applicable