Panel Decision for dispute CAC-ADREU-008868

Case number	CAC-ADREU-008868
Time of filing	2025-12-22 14:25:52
Domain names	outmax.eu

Case administrator

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

Complainant

Organization	Outmax EOOD

Respondent

Name	Nuno Correia

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 domain name <outmax.eu> ("the disputed domain name").

FACTUAL BACKGROUND

A. Procedural History

A.1 Commencement of the ADR Proceeding

This proceeding is an Alternative Dispute Resolution proceeding ("the ADR Proceeding") brought pursuant to Article 4(4) of Regulation (EU) 2019/517 (the "EU Regulation"), Commission Implementing Regulation (EU) 2020/857, the .eu Alternative Dispute Resolution Rules ("the ADR Rules"), and the Supplemental Rules of the Czech Arbitration Court ("the CAC Supplemental Rules").

The Complaint and Response were filed in accordance with the ADR Rules and were duly notified to the Parties. The Panel was duly appointed in accordance with the ADR Rules, as administered by the Czech Arbitration Court under the CAC Supplemental Rules.

A.2 Unsolicited Filings

Further to the filing of the Response, both Parties submitted unsolicited filings. For clarity, the Panel adopts the following terminology:

- Complainant's Supplemental Filing – dated 23 November 2025;
- Complainant's Concluding Submission – dated 24 November 2025;
- Respondent's Supplemental Filing – dated 24 November 2025;
- Respondent's Further Supplemental Filing – dated 25 November 2025;
- Complainant's Case Law Submission – dated 25 November 2025;
- Complainant's Further Short Submission – dated 28 November 2025.

Under Paragraph B(7) of the ADR Rules, the Panel has discretion to admit or disregard such filings. The Panel has taken them into account only insofar as they clarify factual matters already at issue or assist in understanding the Parties' positions, and has disregarded material that duplicates arguments or raises matters not properly pleaded before the Panel.

A.3 Procedural Order No. 1

Having reviewed the case file, the Panel issued Procedural Order No. 1 ("the PO1") on 15 December 2025 seeking limited clarification in relation to the Respondent's asserted business model as a domain name investor, and in particular whether the registration of the disputed domain name formed part of a broader pattern of registrations incorporating similar lexical elements.

In response to PO1, the Respondent submitted (i) confirmation that the disputed domain name <outmax.eu> is the only domain name he has

ever registered incorporating the exact string "outmax"; and (ii) a list comprising more than 200 domain names registered by him in which the elements "out" and/or "max" appear separately as part of the domain name string. The Respondent submitted that this evidence demonstrated that the disputed domain name was consistent with his general domain name investment strategy and was not registered with the Complainant specifically in mind at the time of registration.

The Complainant subsequently provided comments on the Respondent's PO1 submission, arguing, inter alia, that (i) "brandability" cannot, as a matter of principle, ground a legitimate interest under the <.eu> framework; (ii) the Respondent's portfolio evidence reveals a trade mark-oriented registration strategy rather than neutral investment; and (iii) the disputed domain name's pricing and lack of bona fide use support a finding of bad faith at registration.

The Panel considers this clarification to be material to its assessment of targeting and bad faith in the analysis below.

The Panel has taken PO1 and the Parties' submissions in response into account in accordance with paragraph B7 of the ADR Rules.

B. Complainant

B.1 Complainant's Rights

The Complainant asserts rights in the mark OUTMAX by reference to the following registrations ("the Complainant's Trade Marks"):

- EU trade mark registration no. 019179304, filed on 28 April 2025, for OUTMAX, in classes 9, 35 and 42 of the Nice Classification;
- EU trade mark registration no. 019212866, filed on 4 July 2025, for OUTMAX, in classes 5, 12, 36 and 41 of the Nice Classification; and
- Bulgarian trade mark registration no. 77828, filed on 13 October 2009, for OUTMAX, in classes 9, 39 and 42 of the Nice Classification.

B.2 Complainant's Factual Allegations

The Complainant, Outmax EOOD, is a Bulgarian company that has traded under the designation OUTMAX for approximately seventeen years. It contends that OUTMAX is a coined commercial name, distinctive of its business, and well recognised among its clientele in Bulgaria and internationally. The Complainant asserts that the commercial value of OUTMAX derives from its longstanding and continuous use.

C. Respondent

C.1 Respondent's Factual Allegations

The Respondent, Mr Nuno Correia, is a Portuguese individual who has been active since 2020 in what he describes as a legitimate business of domain name investment. He states that he selects short, invented, or "brandable" expressions for resale, and that he registered the disputed domain name solely for its perceived commercial attractiveness. He denies any knowledge of the Complainant or its Trade Marks at the time of registration.

D. Disputed Domain Name

The disputed domain name was registered on 27 October 2025 and resolves to a Sedo parking page displaying the notice: "This domain is for sale! Buy Now for 8,999 EUR" ("the Respondent's website").

A. COMPLAINANT

A.1 Identical or confusingly similar

The Complainant submits that the disputed domain name, disregarding the <.eu> Top-Level Domain ("the TLD"), is identical to the word "outmax", in which it holds registered trade mark rights.

A.2 Absence of rights or legitimate interests

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. He is not affiliated with or authorised by the Complainant, is not commonly known as "Outmax", and has made no demonstrable use of the disputed domain name other than to offer it for sale at EUR 8,999.

A.3 Registration or use in bad faith

The Complainant argues that registration of a domain name identical to what it contends to be its distinctive commercial designation, followed by an offer for sale at a substantial fixed price, indicates that the Respondent registered the disputed domain name in order to profit from, or otherwise exploit, the Complainant's reputation and goodwill.

A.4 Relief sought

The Complainant requests transfer of the disputed domain name.

A.5 Complainant's Unsolicited Filings

In its Supplemental Filing of 23 November 2025, the Complainant emphasised that OUTMAX is a coined and distinctive term, used in its business for nearly two decades, and therefore cannot plausibly have been selected by the Respondent without reference to the Complainant.

In its Concluding Submission of 24 November 2025, the Complainant asserts that the Respondent's immediate listing of the disputed domain name for a substantial price evidences an intention to exploit its reputation rather than to pursue a neutral domain investment strategy.

In its Case Law Submission of 25 November 2025, the Complainant relied in particular on CAC Case No. 008776, concerning the domain name <roque.eu>, where the panel held that speculative registration of a domain name corresponding to another's established identity may constitute bad faith under the <.eu> regulatory framework. The Complainant submits that this reasoning applies directly to the circumstances of the present case.

In its Further Short Submission of 28 November 2025, the Complainant provided material said to show that the Respondent regularly registers domain names identical to third-party trade marks or signs, allegedly revealing a pattern of speculative or abusive conduct. The Complainant maintains that, in light of this pattern, the Respondent registered and used the disputed domain name in bad faith.

B. RESPONDENT

B.1 Acknowledgment of the Complainant's Trade Mark Rights

The Respondent accepts the existence and validity of the Complainant's Trade Marks and does not dispute that the disputed domain name is identical.

B.2 Rights or legitimate interests

The Respondent submits that he is a bona fide domain name investor. He asserts that "outmax" is a short, brandable expression, comprised of common English elements ("out" + "max"), and that multiple independent businesses across Europe use the term, undermining the Complainant's assertion of exclusivity. The Respondent states that his business model consists of registering and occasionally reselling domain names (including <.eu> domain names) that are short, pronounceable, and suitable as brandable names for a variety of future projects.

B.3 Bad faith registration or use

The Respondent denies that the registration or offering for sale of the disputed domain name was directed at the Complainant. He maintains that he was unaware of the Complainant at the time of registration, that the disputed domain name has at all times resolved to a neutral Sedo parking page, and that he has never approached or solicited the Complainant. He argues that the mere fact of offering a domain name for sale, irrespective of the price sought, is not of itself evidence of bad faith.

B.4 Relief sought

The Respondent requests dismissal of the Complaint.

B.5 Respondent's Unsolicited Filings

In his Supplemental Filing of 24 November 2025, the Respondent emphasised that domain name investment is recognised in CAC jurisprudence as a legitimate commercial activity in the absence of targeting, and that the disputed domain name has only ever resolved to a Sedo sales page. He further submits that the term "outmax" naturally evokes associations such as "maximum output", "maximise the outside/outdoor", or "to max out", and that such inherent semantic qualities reinforce its suitability as a brandable expression independent of the Complainant's business.

In his Further Supplemental Filing of 25 November 2025, the Respondent distinguishes <roque.eu>, asserting that the designation in that case was uniquely associated with the complainant, whereas "outmax" is adopted by various independent users and appears across many TLDs. He denies any pattern of targeting protected names and contends that domain pricing is inherently speculative and therefore not probative of bad faith.

DISCUSSION AND FINDINGS

I. Procedural Factors

The Panel is satisfied that the administrative and procedural requirements of the ADR Rules and the CAC Supplemental Rules have been met. The Panel further notes that it has exercised its discretion under paragraph B(7) of the ADR Rules in relation to the Parties' unsolicited filings, as set out in the section A. Procedural History above. The matter is therefore properly before the Panel.

II. Analysis

II.1 Legal Framework

This ADR Proceeding is conducted under the EU Regulation, Implementing Regulation 2020/857, the ADR Rules, and the CAC Supplemental Rules. Under Article 4(4) of the EU Regulation and paragraph B11(d)(1) of the ADR Rules, the Complainant must establish, on the balance of probabilities:

> (i) that the disputed domain 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 Community law; **and either**
>
> (ii) that the disputed domain name has been registered by the Respondent without rights or legitimate interest; **or**
>
> (iii) that it was registered or is being used in bad faith.
>
> (emphasis added)

The burden of establishing targeting and bad faith remains on the Complainant throughout.

II.2 Identical or Confusingly Similar

The disputed domain name consists solely of the Complainant's registered trade mark OUTMAX, disregarding the <.eu> TLD. The first element is satisfied.

II.3 Rights or Legitimate Interest

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests.

The Panel has also carefully considered the Complainant's submission that "brandability", as such, cannot found a cognisable right or legitimate interest under the <.eu> framework, and that speculative investment in coined or distinctive signs is antithetical to the policy objectives of the <.eu> TLD. While the Panel accepts that the <.eu> regime applies a more restrictive approach to speculative registrations than some gTLD frameworks, it does not follow that domain name investment in short, invented, or linguistically composite strings is per se illegitimate. The assessment remains fact-specific and turns on whether the disputed domain name was registered to exploit the Complainant's protected rights, rather than as part of a broader, non-targeted investment strategy.

In response to PO1, the Respondent clarified that <outmax.eu> is the only domain name he has ever registered incorporating the exact string "outmax". He further produced evidence of a substantially broader portfolio of domain names incorporating the components "out" and/or "max" separately, consistent with his asserted focus on short, two-element brandable strings. While such evidence is not determinative, it is consistent with a general domain-name investment approach and does not, of itself, point to exploitation of the Complainant's designation.

Domain name investment is not inherently illegitimate under <.eu> jurisprudence, provided the domain name is selected for its intrinsic qualities and not to target a rights holder. The Respondent has produced evidence of a broader portfolio of short, invented, or brandable names, and examples of unrelated third-party uses of "outmax".

However, where the assessment of legitimate interest turns on whether a domain name was selected because of its association with a particular rights holder, that inquiry necessarily overlaps with the question of bad faith. In the present case, the Panel examines the question of legitimate interest to the extent that it forms its assessment of targeting and bad faith, rather than as a wholly separate inquiry.

II.4 Registered or Used in Bad Faith

The central question is whether the Respondent registered or used the disputed domain name with knowledge of the Complainant or with the intention of exploiting its commercial identity.

The disputed domain name has always been a neutral Sedo parking page. There is no evidence of impersonation, diversion, or solicitation of the Complainant. Although a high asking price and absence of use may, in appropriate circumstances, support an inference of bad faith, those factors are not sufficient on their own.

The Respondent's PO1 submission confirms that he has not registered any additional "outmax + keyword" variants, and that the disputed domain name sits within a broader portfolio of registrations based on non-identical constructions using common lexical components. This is inconsistent with a strategy of targeting the Complainant's Trade Marks specifically.

The Panel has also reviewed the Respondent's portfolio evidence in greater detail, including the full list of domain names incorporating the lexical elements "out" and/or "max". That material confirms that these elements are deployed across a wide variety of domain-name constructions, in differing semantic contexts and positions, and without repetition of the exact string “outmax” or close variants thereof. In the Panel's view, this pattern is more consistent with a component-based approach to the selection of short, linguistically common elements than with a strategy directed at capturing a specific third-party designation. The prevalence of "out" and "max" as ordinary English components, capable of descriptive, colloquial, or non-source-identifying use, materially weakens the inference that the disputed domain name was selected because of its association with the Complainant's Trade Marks.

The Complainant argues that "Outmax" is an invented term whose value must derive from its reputation, but the Respondent has provided evidence of independent and unrelated uses of "outmax" across jurisdictions and TLDs. Unlike in CAC Case <roque.eu>, which concerned a designation uniquely referable to the complainant, the disputed domain name here consists of a short, linguistically generic composite. The Complainant has not demonstrated EU-wide notoriety from which knowledge could properly be imputed to the Respondent.

The Complainant's allegation of a pattern of abusive registrations is not sufficiently substantiated. Some examples are commercially ambiguous and cannot be treated as probative of systematic targeting.

On the totality of the evidence, the Panel is not satisfied that the Respondent registered or used the disputed domain name in bad faith. In those circumstances, and having regard to the structure of Article 4(4) of the EU Regulation, the Panel is not required to reach a separate, standalone determination under Article 4(4) of the EU Regulation, beyond its analysis already undertaken in connection with targeting and bad faith.

II.5 Eligibility Criteria

The Complainant satisfies the eligibility requirements of Article 3 of the EU Regulation.

DECISION

For all the foregoing reasons, in accordance with paragraphs B12 (b) and (c) of the ADR Rules, the Panel orders that the Complaint be denied.

PANELISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2025-12-22

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <outmax.eu>

II. Country of the Complainant: Bulgaria, country of the Respondent: Portugal

III. Date of registration of the domain name: 27 October 2025

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

- EU trade mark registration no. 019179304, filed on 28 April 2025, for OUTMAX, in classes 9, 35 and 42 of the Nice Classification;
- EU trade mark registration no. 019212866, filed on 4 July 2025, for OUTMAX, in classes 5, 12, 36 and 41 of the Nice Classification; and
- Bulgarian trade mark registration no. 77828, filed on 13 October 2009, for OUTMAX, in classes 9, 39 and 42 of the Nice Classification.

V. Response submitted: Yes

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): a separate determination was not required, as the assessment of legitimate interest was undertaken only to the extent that it informed the analysis of targeting and bad faith, which the Complainant failed to establish under the disjunctive structure of Article 4(4) of the EU Regulation.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. No
2. Why: the evidence did not establish that the Respondent registered or used the disputed domain name with knowledge of, or intent to target, the Complainant's Trade Marks, and the registration was consistent with a broader, non-targeted domain-name investment strategy.

IX. Other substantial facts the Panel considers relevant: the Panel considered it material that the disputed domain name has never been used for impersonation or other deceptive content, that the Respondent registered no other domain names incorporating the exact string "outmax", and that the lexical components "out" and "max" are commonly used in a wide range of non-source-identifying contexts.

X. Dispute Result: Complaint denied

XI. Procedural factors the Panel considers relevant: the Panel considered that all procedural requirements were satisfied, that unsolicited filings were admitted only to the extent relevant under paragraph B(7) of the ADR Rules, and that the issuance of Procedural Order No. 1 appropriately clarified the evidentiary record for the purposes of the Panel's determination.