Panel Decision for dispute CAC-ADREU-008886

Case number	CAC-ADREU-008886
Time of filing	2026-03-04 08:42:55
Domain names	yarbo.eu

Case administrator

	Olga Slanařová (Case admin)

Complainant

Organization	Shenzhen Hanyang Technology Co., Ltd.
Organization	Yarbo Netherlands B.V.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	Ireneusz Bachurski

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 evidence demonstrates that the first Complainant, Shenzhen Hanyang Technology Co., Ltd., established in 2015, is the sole shareholder of, and exercises full control over, the second Complainant, Yarbo Netherlands B.V., which was established in 2025. The complainants shall, for the purposes of this Decision, be collectively referred to as the "Complainant".

The Complainant has submitted evidence that it is the owner of the following European Union trademarks (“EUTMs”):

YARBO, registration number 018777923 and registration date March 16, 2023, designating goods and services in class 7, 9, 11, 12 and 44.

YARBO, registration number 018777924, registration date March 25, 2023, designating goods and services in class 7, 9, 11, 12 and 44.

The Respondent registered the disputed domain name on September 29, 2024. The disputed domain name resolves to a website where it is offered for sale.

A. COMPLAINANT

The Complainant has been developing and manufacturing consumer-level outdoor service robots since 2022 and has been conducting business activities and using the YARBO trademark within the European Union prior to the Respondent’s registration of the disputed domain name <yarbo.eu>. In March 2023, the Complainant registered two EUTMs consisting of the term YARBO. In June 2024, the Complainant showcased and offered its products for sale in the European market at a garden and outdoor trade fair in Cologne, Germany. During the same period, the Complainant concluded a distribution agreement with a local distributor in Denmark.

The disputed domain name, which is identical to the Complainant’s registered trademark, is offered for sale by the Respondent. The Complainant contends that it has established prior trademark rights, that the Respondent lacks rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith. On this basis, the Complainant seeks the transfer of the disputed

domain name.

B. RESPONDENT

The Respondent did not reply to the Complainant's contentions.

DISCUSSION AND FINDINGS

Pursuant to Article 4(4) of Regulation (EU) 2019/517 of the European Parliament and of the Council, read together with Paragraph B(11)(d)(1) of the ADR Rules, the Complainant must establish that:

(i) 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 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.

Identical or confusingly similar

The Complainant is, according to the submitted evidence, the owner of the registered European Union trademark YARBO. The disputed domain name <yarbo.eu> contains the Complainant's trademark in its entirety. It is well accepted in .eu ADR jurisprudence that the Top-Level Domain ".eu", is a technical requirement of registration and does not confer distinctiveness. Accordingly, it is typically disregarded when assessing identity or confusing similarity between the disputed domain name and the Complainant's rights.

In light of the foregoing, the Panel concludes that the disputed domain name is identical or confusingly similar to the Complainant's trademark, which represents a right recognized within the meaning of Paragraph B(11)(d)(1)(i) of the ADR Rules.

Rights or legitimate interest

The Complainant's trademark registration for YARBO predates the Respondent's registration of the disputed domain name <yarbo.eu>. The Respondent, having failed to submit a Response, has not contested the Complainant's assertions that it is not affiliated with the Complainant, is not licensed or otherwise authorized to use the Complainant's trademark, and does not conduct any business on behalf of the Complainant.

There is no evidence on the record indicating that the Respondent is using the disputed domain name, which is identical or confusingly similar to the Complainant's trademark, in connection with a bona fide offering of goods or services, or for a legitimate non-commercial or fair use purpose. Furthermore, the Respondent has provided no evidence demonstrating any rights or legitimate interests in the disputed domain name, nor that the Respondent is commonly known by the disputed domain name, even in the absence of a right recognised or established by national and/or European Union law.

In the absence of any evidence refuting the Complainant's submissions, and having regard to the circumstances of this case, the Panel finds, on the balance of probabilities, that the Respondent has failed to demonstrate any rights or legitimate interests in respect of the disputed domain name and that, accordingly, the Complainant has satisfied the requirement set out in Paragraph B(11)(d)(1)(ii) of the ADR Rules.

Registered or used in bad faith

In light of the Panel's finding that the Respondent lacks rights or legitimate interests in the disputed domain name within the meaning of Paragraph B(11)(d)(1)(ii) of the ADR Rules, it is not necessary for the Panel to consider whether the disputed domain name was registered or is being used in bad faith.

Eligibility

In accordance with Paragraph B(11)(b) of the ADR Rules, the Panel is satisfied that the second Complainant, being an undertaking established in the Netherlands, i.e. in the European Union, meets the general eligibility requirements laid down in Article 3 of Regulation (EU) 2019/517.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the disputed domain name <yarbo.eu> shall be transferred to the second Complainant, Yarbo Netherlands B.V..

PANELISTS

Name	Johan Sjöbeck

DATE OF PANEL DECISION 2026-03-04

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: yarbo.eu

II. Country of the Complainant: the Netherlands and China, country of the Respondent: Poland

III. Date of registration of the domain name: September 29, 2024

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. Word CTM, reg. No. 018777923 , for the term YARBO, registered on March 16, 2023 in respect of goods and services in classes 7, 9, 11, 12 and 44.
2. Figurative CTM, reg. No. 018777924, for the term YARBO, registered on March 25, 2023 in respect of goods and services in classes 7, 9, 11, 12 and 44.

V. Response submitted: No

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

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why: No evidence or circumstances to support a finding of legitimate interest.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. N/A
2. Why: The Panel did not consider bad faith.

IX. Other substantial facts the Panel considers relevant: Domain name for sale.

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

XI. Procedural factors the Panel considers relevant:

XII. Is Complainant eligible? Yes