Panel Decision for dispute CAC-ADREU-008898

Case number	CAC-ADREU-008898
Time of filing	2026-03-10 17:09:54
Domain names	cpap.eu

Case administrator

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

Complainant

Organization	Medsol Ltd.

Respondent

Organization	MDNH International Ltd.

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 Medsol Ltd, a Bulgarian company which owns and operates an online business selling medical equipment for the treatment of sleep and respiratory disorders.

The Respondent is MDNH International Ltd. The Respondent registered the disputed domain name on 15 May 2007. The disputed domain name resolves to an error page without any active content. There is no evidence before the Panel that the disputed domain name has ever been used for an active website since it was registered.

A. COMPLAINANT

The Complainant contends that the disputed domain name infringes its trade mark rights and that the Respondent has no rights or legitimate interest in the disputed domain name. The Complainant does not allege that the Respondent's registration and use of the disputed domain name is in bad faith. The Complainant requests the transfer of the disputed domain name to the Complainant.

B. RESPONDENT

No administratively compliant response has been filed.

DISCUSSION AND FINDINGS

Respondent's Default

Paragraph B10(a) of the ADR Rules provides that if, as the Respondent did in the present case, a party fails to respond to a complaint within the applicable deadlines, the Panel shall proceed to a decision on the Complaint and may consider this failure to comply as grounds to accept the claims of the other party.

However, the Panel does not consider that the ADR Rules envisage the Panel simply upholding the Complaint in all cases where a party fails to respond. Rather, in order for the complaint to succeed, the Complainant must still demonstrate that the requirements of Article 4.4 of Regulation (EU) 2019/517 (the “Regulation”) and Paragraph B11(d)(1) of the ADR Rules are satisfied. In order for the Complaint to succeed, the Complainant must therefore show that:

(a) the disputed domain name is identical with or confusingly similar to a name in respect of which a right is established by Union or national law;

and either

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

(c) the disputed domain name has been registered or is being used in bad

If the Complainant succeeds in this respect, in order to obtain a transfer of the disputed domain name, the Complainant must further satisfy the general eligibility criteria for registration set out in Article 3 of the Regulation.

Complainant's Rights

The Complainant owns the European Union Trade Mark (EUTM) CPAPEUROPA, registration number 019202137, first registered on 11 October 2025 in international classes 9, 10 and 35.

The Panel notes that the Complainant's trade mark registration postdates the registration of the disputed domain name by a very considerable period of time. However, neither Article 4.4 of the Regulation, nor Paragraph B11(d)(1) of the ADR Rules, makes any reference to the date on which the Complainant must have acquired the rights on which it relies, nor is there a requirement that the right was registered prior to the registration of the disputed domain name. It is therefore sufficient that the right relied upon by the Complainant is in full force and effect at the time of the complaint. The trade mark relied upon by the Complainant is a right established by European Union law and meets the requirements of both the Regulation and the ADR Rules.

Identity or Confusing Similarity of the Disputed Domain Name

The Panel must next assess whether the disputed domain name <cpap.eu> is confusingly similar to the Complainant's trade mark CPAPEUROPA. This involves a reasonably straightforward side-by-side comparison between them to determine the degree of visual, aural (or phonetic) and conceptual similarity. Where appropriate, this comparison can further include an evaluation of the importance to be attached to the different name elements, having regard to the category of goods or services in question. Here, the Complainant's trade mark consists, first, of the descriptive prefix CPAP, which is a common and widely used acronym which stands for "Continuous Positive Airway Pressure". CPAP therapy is a non-invasive treatment for breathing problems, such as obstructive sleep apnoea, that uses a machine to deliver a constant, mild air pressure through a mask to keep the airways open during sleep. The second element of the Complainant's trade mark consists of the descriptive geographic term EUROPA. The Complainant's business is the sale of CPAP machines, masks, and related parts and accessories. Numerous other online businesses in this field of activity use domain names incorporating the term CPAP. The Panel further observes that it is normally the disputed domain name that adds additional name elements to the Complainant's trade mark, not the other way around as is the case here, where the Complainant's trade mark adds the additional name element EUROPA to the shorter and prior disputed domain name. However, most panels regard the assessment of confusing similarity primarily as a threshold requirement to determine a complainant's standing to bring the proceedings and leave matters such as the assessment of the strength of the complainant's trade mark to be decided in the context of legitimate interest or bad faith.

Against this background, a simple comparison between the Complainant's trade mark and the disputed domain name identifies the acronym CPAP as the dominant and leading element of the Complainant's trade mark, which describes the goods to which the Complainant's business relates. The name element CPAP is obviously recognisable in the disputed domain name, of which it consists in its entirety.

The Panel therefore finds that the disputed domain name <cpap.eu> is confusingly similar to the Complainant's trade mark CPAPEUROPA.

Rights or Legitimate Interests in the Disputed Domain Name

There is no evidence before the Panel to suggest that the Respondent has at any time used the disputed domain name, or a name corresponding to the disputed domain name, in connection with a bona fide offering of goods or services, or that the Respondent has made any demonstrable preparations to do so. Neither is there any indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain name. Indeed, the disputed domain name is not being used for any active website but resolves to an inactive error page. In addition, the Whois information does not suggest that the Respondent is commonly known by the disputed domain name <cpap.eu>. A consensus view of other panels, which this Panel shares, suggests that, once a complainant has made good a prima facie case, the respondent has to show rights or legitimate interests in the disputed domain name. The domain name will otherwise be transferred to the complainant, even if the disputed domain name consists of a dictionary word or phrase (or, as here, a common acronym, which the Panel regards as a comparable position). Against this background, and absent any response from the Respondent asserting any rights or legitimate interests in the disputed domain name, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Bad Faith Registration and Use

Given that the Complainant has not raised any allegations of bad faith registration or use, the Panel does not need to assess further whether the disputed domain name has also been registered or is being used by the Respondent in bad faith.

Complainant's Eligibility

The Complainant is a company based in Bulgaria and having its domicile/place of business within the European Union. The Panel therefore finds that the Complainant satisfies the general eligibility criteria for registration set out in Article 3 of the Regulation.

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 <cpap.eu> be transferred to the Complainant.

PANELISTS

Name	**Gregor Kleinknecht LLM MCIArb**

DATE OF PANEL DECISION 2026-03-10

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <cpap.eu>

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

III. Date of registration of the domain name: 15 May 2007

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
Combined European Union Trade Mark (EUTM) CPAPEUROPA, registration number 019202137, first registered on 11 October 2025 in international classes 9, 10 and 35

V. Response submitted: No

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

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why: No bona fide offering of goods or services, or demonstrable preparations; no legitimate non-commercial or fair use; Respondent not known by the disputed domain name

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Not discussed
2. Why: No bad faith alleged by Complainant

IX. Other substantial facts the Panel considers relevant: Not applicable

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: Respondent's default

XII. Is Complainant eligible? Yes