Panel Decision for dispute CAC-ADREU-008917

Case number	CAC-ADREU-008917
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Domain names	aventon.eu

Case administrator

Olga Dvořáková (Case admin)

Complainant

Organization	Ride Aventon Germany GmbH

Respondent

Organization	NXG

Respondent representative

Organization	Finnian & Columba

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 pending or related legal proceedings.

FACTUAL BACKGROUND

According to publicly available sources (e.g., Wikipedia), the Complainant's parent company Ride Aventon Inc. (USA) started its fixed-gear bicycle company under the brand AVENTON in 2012 by Jianwei (JW) Zhang considering the concern of affordability in cycling, especially for college students. In 2018, Ride Aventon Inc. moved into the electric bike sector. Aventon's e-bikes are marketed through more than 1,800 retail shops in the U.S. and Canada with a thriving online business through e-commerce on <aventon.com>.

Ride Aventon Inc. (USA) registered the EU trademark AVENTON on January 30, 2022 (Reg. No. 1652299) in Nice classes 6, 7, 8 11, 12, 16, 20, 21, 22. Recently, it set up the German subsidiary company (the Complainant) and was about to expand in Europe, including its willingness to use its brand name with <.eu> TLD. Publicly available sources also show (see <aventon.de>), that, at present, the Complainant's Aventon e-bikes are offered for sale to consumers in Germany via the website <aventon.de>.

The Complainant additionally supplied the documentary evidence that the Complainant (Ride Aventon Germany GmbH) is acting based upon authorization letter, issued by the registered proprietor of the EU trademark AVENTON, i.e. Ride Aventon Inc. (USA). This letter certifies that the Complainant has the right to use and enforce the EU trademark within the European Union.

Therefore, the Complainant relies on the registered trademark AVENTON, which is identical to the disputed domain name. The Complainant states that it has a prior interest in the domain name. Data of the case shows that the Complainant was in active negotiations with the previous owner to acquire the disputed domain name, however, due to a technical error of the former owner during the transfer phase, the domain was accidentally deleted. The Complainant immediately attempted to secure the domain via public auction services, however, it was acquired and registered by the Respondent on January 31, 2026, after the domain name became available following the deletion of a prior registration.

According to the Complainant, the Respondent (NXG B.V.) is a professional domain trading entity and intercepted the domain during the "drop" using automated snapping tools. Therefore, it has no rights or legitimate interests with regard to the disputed domain name <aventon.eu>. The Respondent is not commonly known by the name, holds no trademark rights, and does not provide any legitimate goods or services under this brand. The Respondent's sole purpose is the commercial exploitation of the domain.

The Complainant requests the transfer of the disputed domain name to the Complainant.

The Respondent provided the response. The Respondent argues therein that the Complainant's alleged "prior interest" based on negotiations with the previous domain holder is legally irrelevant, as the Respondent was not involved in those discussions and cannot be responsible for any transfer error. The Respondent states that the domain name was registered legitimately after it became publicly available under the "first-come, first-served" principle, which the Complainant itself acknowledged in correspondence with the previous owner. The Respondent further contends that the Complainant has not proven it holds enforceable trademark rights in its own name, since the cited EU trademark is owned by a different entity and no recorded licence was shown. According to the Respondent, the term "Aventon" has a dictionary meaning, derived from the Spanish word "aventón", and the domain name was selected for that meaning with the intention of developing a hitchhiking-related website. Finally, the Respondent denies any bad faith, arguing that the Complainant was not active in the EU market at the time, there is no evidence of targeting, and domain investment and resale are legitimate activities.

A. COMPLAINANT

On the grounds of the facts mentioned above, the Complainant asserted that:

1. The Complainant is the German subsidiary of Ride Aventon Inc. (USA). The Complainant is the authorized operative entity for the brand "AVENTON" within the European Union. The Complainant relies on the registered trademark "AVENTON" (Reg-No: 1652299), which is identical to the disputed domain name.
2. The Complainant has a prior interest in the domain. The Complainant was in active negotiations with the previous owner to acquire the domain. Due to a technical error by the former owner during the transfer phase, the domain was accidentally deleted. The Complainant immediately attempted to secure the domain via public auction services. However, the Respondent (NXG B.V.), a professional domain trading entity, intercepted the domain during the "drop" using automated snapping tools.
3. The Respondent has no rights or legitimate interests in the name "AVENTON". The Respondent is not commonly known by the name, holds no trademark rights, and does not provide any legitimate goods or services under this brand. The Respondent's sole purpose is the commercial exploitation of the domain.
4. The Respondent acted in bad faith because it used "targeted snapping", i.e. the Respondent registered the domain name immediately after its accidental deletion, knowing its brand value. Then, the Respondent listed the domain for sale on the marketplace <nameshift.com> shortly after registration. This proves the intent to sell the domain to the trademark owner or a competitor for a profit.
5. The registration prevents the rightful trademark owner from reflecting their brand in a .eu domain.
6. In conclusion, based on the identical nature of the domain name and trademark, the lack of legitimate interest, and the clear evidence of speculative bad-faith registration, the Complainant requests the transfer of aventon.eu.
7. Additionally, the Complainant supplied the documentary evidence that the Complainant (Ride Aventon Germany GmbH) is acting based upon authorization letter, issued by the registered proprietor of the EU TM, Ride Aventon Inc. This letter certifies that the Complainant has the right to use and enforce the EU trademark within the European Union. Moreover, both companies are under common control by Mr. Jianwei Zhang.
8. Finally, on February 18, 2026, the Respondent was provided with the Request for Leave to Submit Additional Evidence and Clarification. The Complainant argued therein that the Respondent's own correspondence confirms the commercial nature of the domain name registration. In an email sent after the proceedings began, the Respondent acknowledged acquiring the domain name at auction for EUR 4,500 and expressed willingness to discuss a transfer in exchange for payment. According to the Complainant, this demonstrated that the disputed domain name was acquired as a commercial asset and held with a resale intention. The Complainant submits that such conduct is inconsistent with the Respondent's claim that the domain name was selected solely for its alleged dictionary meaning and for developing a hitchhiking platform. The Complainant also challenges the Respondent's "concept document", noting that its metadata shows it was created only after the commencement of the proceedings. The Complainant argues that no evidence has been provided of any preparatory steps, technical development, branding, or business planning before the dispute. Taken together, these elements are said to indicate that the Respondent's explanations are reactive and that the domain name was registered and held in bad faith.

B. RESPONDENT

1. The Respondent argues that the Complainant's claim of a "prior interest" based on negotiations with the previous domain name holder is legally irrelevant to the applicable ADR test. According to the Respondent, the relevant legal analysis concerns whether the domain name is identical or confusingly similar to a protected right, whether the Respondent lacks rights or legitimate interests, and whether the domain was registered or used in bad faith.
2. The Respondent emphasizes that it was not involved in the Complainant's negotiations with the previous registrant and cannot be held responsible for any alleged technical error that led to the domain's deletion.
3. The domain name <aventon.eu> became publicly available and was registered by the Respondent in accordance with the "first-come, first-served" principle governing <.eu> domain name registrations. The Respondent also notes that the Complainant was aware of this risk and had been advised by the previous owner to set up a backorder to secure the domain name once it became

available. The Respondent therefore contends that the Complainant simply lost the opportunity to register the domain and cannot transform that outcome into an allegation of illegitimate conduct.

4. The Respondent further challenges the Complainant's standing, arguing that the cited EU trademark AVENTON is owned by Ride Aventon Inc., a U.S. entity, rather than by the German subsidiary that filed the Complaint. In the Respondent's view, the Complaint does not demonstrate that the German entity is the trademark proprietor or a properly recorded licensee under the EU Trademark Regulation. Without such proof, the Respondent submits that the Complainant has not adequately established the first element of the ADR test.
5. Regarding legitimate interests, the Respondent argues that the Complaint was filed on the same day the domain name was registered, giving the Respondent no realistic opportunity to develop or deploy a website. The Respondent contends that it is unreasonable to infer a lack of legitimate interest based on the absence of immediate use under such circumstances. The Respondent also submits that the term "Aventón" is a Spanish dictionary word meaning "a lift," "a ride," or "ride-sharing," supported by multiple dictionaries and online sources. According to the Respondent, domain names composed of dictionary terms may legitimately be registered for their intrinsic value when not targeting a specific trademark owner. The Respondent states that it selected the domain name for this descriptive meaning and intends to develop a website related to hitch-hiking services in Europe.
6. Finally, the Respondent denies any bad faith, asserting that it had no knowledge of the Complainant or its trademark at the time of registration. The Respondent argues that the Complainant had no active business presence in Europe at the time and that its own materials show that European market entry was only planned for the future. The Respondent therefore maintains that the domain was registered legitimately after it became available and that the Complaint represents an attempt to obtain the domain through ADR proceedings after the Complainant failed to secure it through negotiation or timely registration.
7. Additionally, on February 19, 2026, the Respondent was provided with the request for additional submission. The Respondent therein argued that the Complainant had not provided sufficient evidence that it was authorized by the trademark owner to enforce the AVENTON trademark in the European Union at the time the Complaint was filed. According to the Respondent, a later declaration cannot retroactively cure a lack of standing, and any licence would only have effect vis-à-vis third parties once recorded in the EUIPO Register under Articles 25 and 27 of Regulation (EU) 2017/1001. The Respondent further maintained that it had no knowledge of the Complainant or its activities and is not active in the bicycle or e-bike sector. The Respondent explained that its email of February 6, 2026, was a good-faith attempt to explore an amicable settlement and cannot be interpreted as evidence of bad faith or lack of legitimate interest. The Respondent also noted that the Complainant itself acknowledged that the Respondent may not have known the Complainant's identity at the time of registration, which undermines allegations of targeting or bad faith. Regarding the concept document, the Respondent stated that the metadata cited by the Complainant merely reflects the creation of a PDF for the proceedings and does not indicate when the underlying project idea was originally developed. Finally, the Respondent argues that because the Complainant was not yet commercially active in the EU and its mark had no proven reputation there at the relevant time, the elements required to establish lack of rights or legitimate interests or bad faith under Article 4(4) of Regulation (EU) 2019/517 are not satisfied.

DISCUSSION AND FINDINGS

This dispute is governed by the 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 (hereinafter - the "Regulation 2019/517") and the .eu Alternative Dispute Resolution Rules (hereinafter - the "ADR Rules"). The Regulation (EU) 2019/517 and the ADR Rules are in force since October 13, 2022.

In accordance with Article 4(4) of Regulation 2019/517, 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 (also reflected more precisely in Paragraph B11(d)(1) of the ADR Rules).

In accordance with Paragraph B11(d)(1) of the ADR Rules, the Panel shall issue a decision granting the remedies requested (i.e. transfer of the disputed domain name to the Complainant) in the event that the Complainant proves: (i) the 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 domain name has been registered by the Respondent without rights or legitimate interest in the name; or (iii) the domain name has been registered or is being used in bad faith.

Before going to the material aspects of the case, the Panel has decided to accept all supplemental filings that were duly and timely presented before the Panel as they, first, entail evidence that could not reasonably have been presented earlier and, second, do not prejudice the procedural rights of either Party nor cause any undue delay in the proceedings. In doing so, the Panel exercises its general powers under Paragraph B7 of the ADR Rules to conduct the proceedings in such manner as it considers appropriate, while ensuring that the proceeding takes place with due expedition.

(i) Identical or confusingly similar

The Panel notes that Article 4(4) of Regulation (EU) 2019/517 refers to rights recognised or established by Union or national law, including registered trademarks. A licensee authorised by the trademark proprietor to use and enforce the mark may therefore rely on that trademark ("a name in respect of which a right is established by Union or national law") within the meaning of Article 4(4) of Regulation (EU) 2019/517 and has standing to initiate ADR proceedings and is entitled to request the transfer of the disputed domain name.

The disputed domain name <aventon.eu> consists entirely of the trademark AVENTON, combined with the ".eu" top-level domain, which is typically disregarded for the purposes of comparison. Therefore, the disputed domain name <aventon.eu> is identical to the EU trademark AVENTON, i.e. a name in respect of which a right of the Complainant is established by the European Union law (the first requirement of the Paragraph B11(d)(1) of the ADR Rules has been proven by the Complainant).

(ii) No rights or legitimate interests

Pursuant to Article 4(4)(a) Regulation 2019/517, the Complainant has to prove that the Respondent registered the disputed domain name without rights or legitimate interest in the name. The Complainant underlined, that the Respondent is not commonly known by the name "Aventon", and there is no evidence that the Respondent holds any trademark or other rights in that name. Thereafter, the burden of proof then shifts to the Respondent. This standard has been recognized by continuous case law (see CAC-ADREU-008361, and the cases cited there), where it was established that a Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name.

The Respondent provided the Response.

Firstly, the Respondent argues that the Complaint was filed on the same day the disputed domain name was registered and that it therefore had no realistic opportunity to develop a website. The Panel considers that this argument misunderstands the applicable legal test. The relevant assessment concerns whether the Respondent had rights or legitimate interests at the time of registration, or whether it can demonstrate bona fide preparations for such use, rather than whether a website had already been launched. The Respondent has not produced objective evidence showing that any concrete preparations existed prior to the filing of the Complaint or prior to the dispute arising. To accept the Respondent's argument would effectively require trademark owners or their licensees to wait indefinitely to see whether a registrant might eventually develop a legitimate use of a domain name identical to their mark, which would undermine the effectiveness and purpose of the ADR mechanism.

Secondly, the Respondent also submits that the term "Aventón" is a Spanish dictionary word meaning "a lift," "a ride," or "ride-sharing," supported by multiple dictionary and online sources. According to the Respondent, domain names composed of dictionary terms may legitimately be registered for their intrinsic value when not targeting a specific trademark owner. The Respondent states that it selected the domain name for this descriptive meaning and intends to develop a website related to hitch-hiking services in Europe.

The Panel acknowledges that domain names corresponding to dictionary terms may in certain circumstances be legitimately registered and used. However, in the present case the Panel is not persuaded by the Respondent's explanation.

The Respondent argues that the domain name corresponds to the Spanish word "aventón". However, the disputed domain name does not include the accent mark and therefore does not correspond exactly to that term. Moreover, the Panel notes that the disputed domain name not only omits the accent, but also appears predominantly associated with the Complainant's brand. The Panel therefore finds that the alleged dictionary meaning does not convincingly explain the choice of the domain name. Additionally, the Respondent argues that the disputed domain name was selected because it allegedly corresponds to the Spanish word "aventón", which can mean a "lift" or "hitch-hiking". The Panel notes that according to the "Diccionario de la lengua española" published by the Real Academia Española (RAE) (see <https://dle.rae.es>), the word "aventón" is a regional expression used in several Latin American countries to denote "autostop" or "hitch-hiking". The dictionary entry expressly identifies its usage as limited to certain countries in the Americas, including Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama and Peru (see RAE, "Diccionario de la lengua Española", entry "aventón"). The Panel further observes that the same authoritative source indicates that the standard term used in Spain (i.e. in Europe as well) for hitch-hiking is "autoestop" or "autostop", rather than "aventón". The regional designation used in the dictionary therefore confirms that the meaning relied upon by the Respondent is not a generally used Spanish term within Europe, where, according to the Respondent's concept document "an innovative website dedicated to hitchhikers across Europe" would be established.

The Respondent presented the "concept document" that should have convinced the Panel regarding the demonstrable preparations to use the disputed domain name. The Complainant challenged the Respondent's "concept document", noting that its metadata shows it was created only after the commencement of the proceedings and the Respondent has not provided any evidence of any preparatory steps, technical development, branding, or business planning before the dispute in this case. The Respondent then replied that the metadata cited by the Complainant merely reflects the creation of a PDF for the proceedings and does not indicate when the underlying project idea was originally developed. After carefully analyzing the "concept document" Panel is of the view, that, indeed, the only evidence submitted by the Respondent is a brief concept document referring to a potential project relating to hitchhiking services. The Panel considers that this document is vague and unsupported by any objective evidence of concrete preparations. Moreover, the Respondent is engaged in domain name trading activities and the disputed domain name was offered for sale shortly after registration. These circumstances further undermine the credibility of the Respondent's alleged project.

The Panel has also noted certain inconsistencies in the explanations provided by the Respondent in trying to show its legitimate interest in the disputed domain name. This inconsistency became evident to the Panel when the Respondent firstly explained one purpose of the registration of the disputed domain name and then switched to another purpose as if the first one would be absent. On the one hand, the Respondent invoked the legitimacy of domain name investment as a recognised commercial activity and emphasised that the domain name was acquired at auction as a valuable digital asset. On the other hand, the Respondent submitted a "concept document" purporting to demonstrate a specific intention to develop a hitchhiking platform based on the alleged dictionary meaning of the term. If the Respondent's primary position is that it is a legitimate domain investor acquiring domain names for their inherent commercial value, the existence of a detailed development concept would not be necessary to establish rights or legitimate interests. Conversely, the submission of such a "concept document" appears inconsistent with the Respondent's reliance on domain investment as a legitimate business model and therefore weakens the credibility of the Respondent's overall

explanation for registering the disputed domain name.

In these circumstances, the Panel is of the view that neither the alleged dictionary meaning convincingly explains the Respondent's choice of a domain name that is identical to the Complainant's trademark, nor the Respondent's claim for legitimate activities in domain investment and resale (given the substantial amount paid for the domain name, the Panel finds it implausible that the Respondent registered the domain without considering its trademark significance), nor the vague and unsupported by any objective evidence "concept document" therefore sufficiently establish any rights or legitimate interests in the disputed domain name.

In light of the above, the Panel finds that the Respondent has failed to demonstrate rights or legitimate interests in the disputed domain name (the second requirement of the Paragraph B11(d)(2) of the ADR Rules has been proven by the Complainant).

(iii) Other findings

In accordance with Paragraph B11(d) of the ADR Rules, the Panel shall issue a decision granting the remedies requested (i.e. transfer of the disputed domain name to the Complainant) in the event that the Complainant proves: (i) the domain name is identical or confusingly similar to a name in respect of which a right is recognized; and (ii) **either** the domain name has been registered by the Respondent without rights or legitimate interest in the name; **or** the domain name has been registered or is being used in bad faith.

These conditions are alternative. Having found that the Respondent lacks rights or legitimate interests in the disputed domain name, the Panel considers that it is not necessary to address the issue of bad faith registration or use. The findings already made are sufficient to dispose of the Complaint and to grant the requested remedy.

DECISION

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

the domain name aventon.eu be transferred to the Complainant.

PANELISTS

Name	Darius Sauliunas

DATE OF PANEL DECISION 2026-03-13

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <aventon.eu>

II. Country of the Complainant: Germany. Country of the Respondent: the Netherlands.

III. Date of registration of the domain name: 31 January 2026.

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. word trademark registered in the EU, on January 30, 2022 (Reg. No. 1652299) in Nice classes 6, 7, 8 11, 12, 16, 20, 21, 22.

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. No.
2. Why: The Panel rejected the Respondent's argument that the Complaint was filed on the same day as the domain registration, noting that the relevant issue is whether the Respondent had rights or legitimate interests at the time of registration or demonstrable preparations for a bona fide use. The Respondent failed to provide objective evidence of such preparations prior to the dispute. The Panel also found the Respondent's reliance on the alleged dictionary meaning of "aventón" unconvincing, noting that the disputed domain name omits the accent and that the term is primarily a regional expression used in Latin America, while the project was allegedly intended for Europe. Furthermore, the Respondent's "concept document" is considered vague and unsupported by evidence of concrete preparations, and its credibility is weakened by the fact that the domain name was offered for sale shortly after registration. The Panel also observed inconsistencies in the Respondent's explanations, as it simultaneously relied on domain investment as a business model and on a supposed development project, and therefore concluded that the Respondent failed to demonstrate any rights or legitimate interests in the disputed domain name.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. No.
2. Why: Having found that the Respondent lacked rights or legitimate interests in the disputed domain name, the Panel considered that it was not necessary to address the issue of bad faith registration or use.

IX. Other substantial facts the Panel considers relevant: None.

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

XI. Procedural factors the Panel considers relevant: The Panel has decided to accept all supplemental filings that were duly and timely presented before the Panel as they, first, entaiedl evidence that could not reasonably have been presented earlier and, second, did not prejudice the procedural rights of either Party nor caused any undue delay in the proceedings. In doing so, the Panel exercised its general powers under Paragraph B7 of the ADR Rules to conduct the proceedings in such manner as it considered appropriate, while ensuring that the proceeding takes place with due expedition.

XII. Is Complainant eligible? Yes.