

DISPUTE RESOLUTION SERVICE

DRS 28103

Decision of Independent Expert

CHECK24 GmbH

Complainant

and

Garth Piesse

Respondent

1 The parties

Complainant:	CHECK24 GmbH
Address:	Erika-Mann-Str. 62-66 München 80636 Germany

Respondent:	Garth Piesse
Address:	Manawatu 4440 New Zealand

2 The domain name

check24.co.uk (the "Domain Name").

3 Procedural history

I confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future,

which need be disclosed as being of such a nature as to call into question my independence in the eyes of one or both of the parties.

4 September 2025	Dispute received
5 September 2025	Complaint validated
5 September 2025	Notification of complaint sent to parties
22 September 2025	Response received
22 September 2025	Notification of response sent to parties
25 September 2025	Reply reminder sent
30 September 2025	Reply received
30 September 2025	Notification of reply sent to parties
30 September 2025	Mediator appointed
6 October 2025	Mediation started
6 October 2025	Mediation failed
6 October 2025	Close of mediation documents sent
16 October 2025	Complainant full fee reminder sent
21 October 2025	No expert decision payment received
29 October 2025	Expert decision payment received
30 October 2025	Sent expert decision pack, expert appointment and conflict check documents

4 Factual background

- 4.1 The Complainant operates a German language price comparison and travel booking portal, through a website which uses the domain name *check24.de*.
- 4.2 The Respondent is a domain name trader based in New Zealand. He registered the Domain Name on 18 February 2017 and is offering it for sale through the Saw.com website.

5 Parties' contentions

Complaint

- 5.1 The Complainant describes itself as "Germany's leading comparison portal" which "operates internationally". It relies on its EU trade mark registered on 25 September 2012, which was valid until 21 March 2022, and on its UK trade mark registered on 6 January 2023, in both cases for CHECK24, and in both cases evidenced by IPO search results.
- 5.2 In addition it relies on its unregistered rights in the CHECK24 name which it says it "has actively used...in commerce for many years". No evidence is provided of such use. Nor is that assertion any further developed.
- 5.3 The Complainant submits that it therefore had and has "enforceable rights" both at the time the Domain Name was registered in February 2017, by virtue of its EUTM, and today, by virtue of its current UK trade mark. Further, it submits that the Domain Name is identical to those registered trade marks.
- 5.4 As to Abusive Registration, in the first place, the Complainant relies on the fact that the Domain Name is offered for sale by the Respondent as demonstrating that it was registered "primarily"

for sale to the Complainant or one of its competitors. That submission is not further developed, nor is there any evidence of any attempt by the Respondent to sell the Domain Name to the Complainant or one of its competitors.

- 5.5 Secondly, it contends that the Respondent is preventing the Complainant from “registering its well-established brand under the .co.uk name space, thereby disrupting the Complainant’s UK expansion”. It submits that this is a blocking registration, i.e. as per paragraph 5.1.1.2 of the DRS Policy.
- 5.6 Thirdly, it asserts that the only purpose of the Respondent’s registration of the Domain Name “is to take unfair advantage of the Complainant’s reputation and to create leverage for a financial gain”. That submission is not further developed, nor is any evidence provided to support it.
- 5.7 Fourthly, the Complainant contends that when the Domain Name was registered in 2017, it already had enforceable rights through its then EUTM. It argues that the Respondent’s “continued holding and offering of the domain for sale – especially after the Complainant obtained a new UK trade mark in 2023 – demonstrates bad faith and ongoing abusive use”.
- 5.8 Finally, the Complainant submits that the fact that the Respondent is still offering the Domain Name for sale demonstrates that the Respondent’s purpose “has never been to use the domain legitimately, but solely for speculation”.
- 5.9 The Complainant summarises its case on Abusive Registration by asserting that the Respondent’s conduct “falls squarely within the examples in sections 5 and 8 of the DRS Policy:
- registered primarily for sale at a profit,
 - preventing the Complainant from using its name in the .uk domain space,
 - causing detriment to the Complainant’s brand and reputation”.

Response

- 5.10 The Respondent states that he is a domain name trader who “possesses a substantial portfolio of generic and common domains”.
- 5.11 He says that in February 2017 he became aware that the Domain Name was on a drop-list and assumed that the previous owner no longer wanted it. On 9 February 2017, he unsuccessfully attempted to drop-catch the Domain Name. However, subsequently on 18 February 2017 he acquired it from the successful drop-catcher, along with 107 other domain names. This sequence of events is evidenced by email correspondence attached to the Response.
- 5.12 The Respondent says that he thought the Domain Name was a potentially attractive domain name to acquire and then offer for sale “because it reflected an obvious combination of descriptive terms, namely ‘Check’ as in investigate etc, and ‘24’, the common suffix denoting 24 hours in a day, likely to be of interest to a wide range of businesses or organisations”.
- 5.13 The Respondent then resolved the Domain Name to a webpage, listing it for sale. He exhibits a screenshot from 2018, demonstrating it being offered for sale.
- 5.14 Further, the Respondent says that he owns many other similar domain names consisting of two descriptive words, with CHECK as a prefix or 24 as a suffix. An extensive list of such domain names is exhibited to the Response.

- 5.15 The Respondent accepts that the Complainant has Rights (as defined in the DRS Policy) in the CHECK24 mark, by virtue of its 2022 registered UK trade mark, and that that mark is identical to the Domain Name.
- 5.16 As to Abusive Registration, the Respondent says that he was not aware of the Complainant at the time he registered the Domain Name, nor was there any reason why he should have been. He points out that the Complainant has provided no evidence of its reputation in 2017.
- 5.17 Further, the Respondent contends that it is "obvious" that the Complainant has never traded in the UK, hence it allowed its previous UK trade mark to lapse. He contends that the Complainant's reference to its proposed "UK expansion" demonstrates that the Complainant has had no presence in the UK until now. Further, it rejects as irrelevant the fact that the Complainant claims to operate in the UK through its subsidiary, given that it does so under a different trading name: Planet Rentalcars.
- 5.18 The Respondent refers to the fact that a UK company called Check24 Limited was incorporated on 25 June 2025 in connection with building construction. It contends that if that company is connected with the Complainant, it reflects the fact that the Complainant's interest in the UK is very recent. Even if it is unconnected, it demonstrates that the CHECK24 mark is not exclusive to the Complainant.
- 5.19 Further, the Respondent says that the Domain Name is "in line with" many other "similar legitimate descriptive/obvious domains" owned by him.
- 5.20 In addition, the Respondent says that he has never used the Domain Name in any way relevant to the Complainant's industry.
- 5.21 The Respondent submits that, since the Complainant has failed to establish that the Respondent was likely to have been aware of the Complainant when he registered the Domain Name, the complaint "must fail", even without the need to refer to the specific Abusive Registration factors raised by the Complainant. The basis for this submission is not explained.
- 5.22 The Respondent contends that the Complainant is wrong to regard domain name dealing as "illegitimate of itself". He refers, in this regard, to paragraph 8.4 of the Policy and paragraph 3.2 of the DRS Experts' Overview which make it clear that selling a domain name at a profit is unlikely of itself to constitute an abusive intent "unless the registrant set out to target the trade mark owner at the time of registration of the domain name".
- 5.23 The Respondent says that, since he was unaware of the Complainant at the time of acquisition of the Domain Name, he could not have acquired it for the purpose of sale to the Complainant. By the same token, he says that he could not have acquired it to block or disrupt the Complainant. He maintains that it is "absurd" for the Complainant to suggest that the Respondent acquired the Domain Name in 2017 to disrupt the Complainant's UK expansion, which only appears to have begun in 2025.
- 5.24 As to general unfair advantage and detrimental use, the Respondent submits that the Domain Name "comprises an obvious combination of descriptive terms that is entirely in line with many other domains" owned by him, and that the Complainant has provided no evidence indicating that the Respondent registered the Domain Name to take unfair advantage of the Complainant's reputation or to create "leverage for financial gain".
- 5.25 The Respondent also prays in aid the Complainant's reliance on its dormant, and subsequently abandoned, 2012 trade mark at the time the Domain Name was registered in 2017, but "without

attempting to establish abusive intent on the part of the Respondent at that time", as reinforcing the weakness of the Complainant's case.

- 5.26 The Respondent rejects the Complainant's reliance on his continued holding and offering for sale of the Domain Name after the Complainant obtained its UK trade mark in 2023, for two reasons. First, the Complainant has not claimed that the Respondent was likely to have become aware of the new trade mark. Second, and in any event, the Complainant disregards the position under the DRS that registrants are unlikely to be penalised where they acquire a domain name without knowledge of a complainant's rights, unless they do something to actively exploit their position in this regard. In support of this submission, the Respondent relies on the Appeal Panel decisions in *myspace.co.uk* (DRS 4962) and *oasis.co.uk* (DRS 6365).
- 5.27 The Respondent says that in this case he did not change his use of the Domain Name and simply continued to offer it for sale to the world at large.
- 5.28 For these reasons, the Respondent "strongly denies" that the Domain Name is an Abusive Registration.
- 5.29 Finally, by way of a procedural postscript, the Respondent reminds the Complainant that it is not entitled to "correct the fundamental flaws in its complaint by providing new information or evidence in a reply". He cites paragraph 9.2 of the Policy which provides that a Reply "must be restricted solely to matters which are newly raised in the Respondent's response and were not raised in the Complainant's complaint".
- 5.30 In addition, the Respondent requests a finding of reverse domain name hijacking ("RDNH") against the Complainant for the following reasons:
- the Complainant has made no serious effort to establish Abusive Registration and has provided minimal supporting evidence;
 - the Complaint raises "spurious arguments that plainly conflict with the Policy", e.g. contesting the legitimacy of domain name trading;
 - the Complainant has "filed this baseless DRS case to try and acquire the disputed domain name, for the purposes of its 'UK expansion'";
 - in the event that the Complainant fails to pay for a DRS decision, that would indicate that it knew its case was bound to fail.
- 5.31 The Respondent cites a number of findings of RDNH under the DRS, some of which concerned domain names registered by him.

Reply

- 5.32 In its Reply, the Complainant repeats that at the time of registration in February 2017, it held its EU trade mark which gave it enforceable rights in the UK. It says that "awareness" (i.e. presumably awareness of its existence) "is not a subjective matter". It says that a simple trade mark search would have revealed the Complainant's rights. It submits that the Policy does not "require actual trading in the UK to establish Rights; the existence of valid registered rights is sufficient".
- 5.33 Secondly, the Complainant does not accept that CHECK24 is generic or descriptive. It contends that CHECK24 "is widely recognised as a distinctive brand name, not a mere descriptive term". It asserts that the existence of "long-standing trade mark registrations and extensive

international use confirms that the mark has acquired distinctiveness and secondary meaning". It further contends that the Respondent has ignored the fact that "identical trade mark registrations exist and are enforceable under the DRS".

- 5.34 Thirdly, the Complainant submits that the Respondent's other domain names containing the prefix or suffix CHECK or 24 assists its case rather than the Respondent's, because "under paragraph 5.1.3 of the DRS Policy, a pattern of registering domain names corresponding to known brands or distinctive marks is evidence of an Abusive Registration". It reiterates that the Respondent's "conduct is consistent with speculative domain trading aimed at financial gain".
- 5.35 Fourthly, the Complainant says that the UK company Check24 Limited has no connection to it and in any event was incorporated eight years after the date of registration of the Domain Name and therefore has no bearing on the rights of the Complainant or on "the abusive nature of the domain".
- 5.36 The Complainant argues that the Respondent's request for a finding of RDNH is "entirely unfounded". It says that its Complaint was filed in good faith and based on registered trade mark rights. It says that it has valid and enforceable rights, whether through its previous EU trade mark or the current UK trade mark, and the Complaint is a "legitimate attempt to protect these rights". Further, it contends that "the continued offering of the disputed domain for sale, despite the Complainant's rights, fully justifies the Complaint".
- 5.37 The Complainant asserts that the Respondent's submissions "do not alter the facts:
- the disputed domain name is identical to the Complainant's registered trade marks;
 - the Respondent has never used the domain for a legitimate business purpose; it has only ever been offered for sale;
 - the registration and ongoing use falls squarely within the examples of Abusive Registration under paragraph 5 of the DRS Policy".

6 Discussion and findings

General

6.1 To succeed under the DRS Policy, the Complainant must prove on the balance of probabilities, first, that it has Rights (as defined in the Policy) in respect of a name or mark that is identical or similar to the Domain Name (paragraph 2.1.1 of the Policy), and secondly, that the Domain Name is an Abusive Registration in the hands of the Respondent (paragraph 2.1.2).

6.2 Abusive Registration is defined in paragraph 1 of the Policy in the following terms:

"Abusive Registration means a Domain Name which either:

(i) was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or

(ii) is being or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights."

Complainant's rights

- 6.3 Paragraph 2.1.1 of the Policy requires the Complainant to prove that it "*has Rights in respect of a name or mark which is identical or similar to the Domain Name*". "Rights" means "*rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning*" (paragraph 1).
- 6.4 As at the date of the Complaint, the Complainant had Rights (for the purposes of the Policy) by virtue of its UK trade mark CHECK24. That trade mark is identical to the Domain Name. The question of unregistered rights in the CHECK24 name is therefore moot.
- 6.5 Sensibly, the Respondent does not contest the Complainant's case on Rights and similarity. Indeed it expressly accepts that the Complainant has the requisite rights in the CHECK24 mark and that it is identical to the Domain Name.

Abusive registration

- 6.6 This case therefore turns on the issue of whether the Domain Name is, in the hands of the Respondent, an Abusive Registration (as defined – see 6.2 above).
- 6.7 Firstly, the Complainant contends that the fact that the Domain Name is offered for sale means that it was registered primarily to sell it to it or a competitor, i.e. that this case falls within paragraph 5.1.1.1 of the Policy. However, in order for that argument to succeed, the Complainant would have to demonstrate – on the balance of probabilities – (a) that the Respondent was aware of its existence at the time of registration, and (b) that the Domain Name was registered primarily for the purpose of selling it to the Complainant or a competitor of the Complainant.
- 6.8 The Complainant makes no attempt to explain why, let alone evidence that, the Respondent, who lives in New Zealand, would have been aware of the Complainant's business in Germany. Outside Germany, the CHECK24 brand appears to be used only in Austria and Spain. The Complainant expressly accepts that in the UK it trades as Planet Rentalcars through its subsidiary AurumCars GmbH.
- 6.9 Nor does the Complainant suggest that the Respondent ever offered the Domain Name for sale to it.
- 6.10 In its Reply, the Complainant does not contest the Respondent's assertion that he was unaware of the Complainant's existence, but instead advances the novel argument that "awareness is not a subjective matter".
- 6.11 Paragraph 5.1.1 of the Policy is predicated, if it is to make sense, on a domain name registrant being aware of the existence of a complainant. The Complainant's attempt to fix the Respondent with some kind of constructive notice of its existence because he could have conducted a trade mark search against the CHECK24 name, is a stretch at best, and, in any event, does not assist it. The Policy contains no such requirement and DRS decisions recognise no such equitable doctrine.
- 6.12 If a respondent is to be found to have registered a domain name primarily for the purpose of selling it to the complainant, it is axiomatic that the respondent must have been aware of the complainant's existence. Contrary to the Complainant's contention, such awareness is indeed subjective. To suggest otherwise flies in the face of the clear wording of the Policy.

- 6.13 Secondly, and similarly, the Complainant's contention that the Respondent falls foul of paragraph 5.1.1.2 of the Policy (a blocking registration) fails for the same reason. It cannot be said that the Respondent registered a domain name primarily as a blocking registration against a name or mark in which an entity of which he was unaware has Rights.
- 6.14 Thirdly, the Complainant purports to rely on an argument of general "unfair advantage/detrimental use" on the basis that "the only purpose of the registration is to take unfair advantage of the Complainant's reputation and to create leverage for a financial gain". It is difficult to see how the Respondent can be accused of creating any such leverage in circumstances where it has not, for example, approached the Complainant with a view to selling the Domain Name to it. In any event, the Complainant's case again contradicts the clear wording of paragraph 8.4 of the Policy, which provides as follows:
- "Trading in domain names for profit, and holding a large portfolio of domain names, are of themselves lawful activities. The Expert will review each case on its merits."*
- 6.15 A similar point is also made in the DRS Experts' Overview at paragraph 3.2 which states as follows:
- "Deciding to sell a domain name at a profit is unlikely of itself to constitute an abusive intent, unless this was the registrant's intent at the time of registration of the domain name **and the circumstances set out in paragraph 5.1.1 of the Policy apply.** Trading in domain names is of itself unobjectionable (see paragraph 8.4 of the Policy)"* (emphasis added).
- 6.16 For the reasons explained at 6.7 to 6.13 above, the circumstances set out in paragraph 5.1.1 of the Policy do not apply in this case. The Complainant has failed to prove on the balance of probabilities (i.e. that it is more likely than not) that the Respondent was aware of its existence at the time of registration in 2017.
- 6.17 Further, as the Respondent contends, CHECK24 is a combination of two everyday words or terms which the Complainant has failed to demonstrate as having acquired any, let alone the requisite level of, distinctiveness. The Complainant asserts in its Reply that "the mark has acquired distinctiveness and secondary meaning", but no explanation is offered as to why that might be the case, nor is any evidence provided which proves it. Again, the Complainant appears to have made submissions which are without foundation.
- 6.18 In similar vein, in its Reply, the Complainant relies on the list of CHECK and 24 related domain names in the Respondent's portfolio. The Complainant maintains that those domain names comprise "a pattern of registering domains corresponding to known brands or distinctive marks" and are therefore evidence of Abusive Registration pursuant to paragraph 5.1.3 of the Policy. That is plainly a nonsensical submission. The Complainant appears to have closed its eyes to a crucial element of that provision, i.e. that the domain names in question must "*correspond to well known names or trade marks in which the Respondent has no apparent rights*". It has not identified any such well known name or trade mark, and the list does not appear to include any.
- 6.19 The final point on which the Complainant seeks to rely is that the Respondent's registration of the Domain Name is causing "detriment" (unspecified) to the Complainant's brand and reputation. Again, it is not explained how any such alleged detriment is being caused and it is hard to see why it would be, in circumstances where the Domain Name is being passively held as part of a portfolio of domain names for sale.
- 6.20 For these reasons, the Complainant has failed to discharge its evidential burden of proving that the Domain Name is, in the hands of the Respondent, an Abusive Registration.

Reverse domain name hijacking

6.21 As outlined above, the Respondent has requested a finding of RDNH, given that he has been put to unnecessary inconvenience and cost.

6.22 RDNH is defined as follows in Section 1 of the Policy:

“Reverse Domain Name Hijacking means using the DRS in bad faith in an attempt to deprive a respondent of a domain name.”

6.23 Bad faith is more than mere incompetence or even negligence. As pointed out by the Respondent, previous DRS cases have found the following to constitute or contribute to a finding of RDNH:

- relying on “weak and absurd arguments with very little evidence in support” (*bgc.co.uk* DRS 26299);
- imposing an undue burden on a respondent defending a hopeless case, including in terms of time and costs (*ouroboros.co.uk* DRS 26917);
- disregarding the clearly worded provisions of the Policy (*wedonate.co.uk* DRS 27231);
- providing little or no supporting evidence (*mango.co.uk* DRS 15585; *so31.co.uk* DRS 16688; *splitpay.co.uk* DRS 21075; *matesrates.co.uk* DRS 21240; *bgc.co.uk*, *ibid.*; *ouroboros.co.uk*, *ibid.*); and
- proceeding as if legitimate domain name dealing equated to Abusive Registration (*so31.co.uk*, *ibid.*; *cloudtravel.co.uk* DRS 27838).

6.24 The Respondent also cites any failure by a complainant to pay for an expert decision. Given that the Complainant has presumably paid for the decision in this case, that point does not arise.

6.25 However, as outlined in this decision, the other factors set out at 6.23 above are, to a greater or lesser degree, present in this case. In particular, the Complainant not only failed in its Complaint to take account of the legitimacy of domain name dealing, which might perhaps be ascribed to ignorance or incompetence, but when its failure in this regard was identified in the Response, it nonetheless persisted in this submission in its Reply, asserting that “the continued offering of the disputed domain for sale, despite the Complainant’s Rights, fully justifies the Complaint”.

6.26 Similarly, its contention in the Reply that the Respondent’s registration of many domain names containing CHECK or 24 fell within paragraph 5.1.3 of the Policy, despite the fact that none of those domain names appear to “*correspond to well known names or trade marks*” (and the Complainant fails to identify any which do), is at best disingenuous and at worst an attempt to mislead the Expert.

6.27 For these reasons, the Expert is satisfied that in this case a finding of RDNH on the part of the Complainant is appropriate.

7 Decision

7.1 The Expert accordingly finds that, while the Complainant has Rights in a name or mark which is identical or similar to the Domain Name, the Domain Name is not, in the hands of the Respondent, an Abusive Registration.

- 7.2 In addition, the Expert finds that the Complainant’s attempt to use the DRS to obtain the Domain Name constitutes reverse domain name hijacking.
- 7.3 It is therefore determined that no action be taken in relation to the Domain Name, which may therefore remain registered to the Respondent.

David Engel

Signed:

Dated: 26 November 2025