

ADMINISTRATIVE PANEL DECISION

Mecalac Construction Equipment UK Limited v. Domain Admin, Global IP Holdings Inc
Case No. D2026-1396

1. The Parties

The Complainant is Mecalac Construction Equipment UK Limited, United Kingdom, represented by IPSILON, France.

The Respondent is Domain Admin, Global IP Holdings Inc, Saint Kitts and Nevis, represented by Cylaw Solutions, India.

2. The Domain Name and Registrar

The disputed domain name <fermec.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2026. On April 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private - Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 8, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 9, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2026. On April 22, 2026, the Center granted the automatic four calendar day extension. The Response was filed with the Center on May 4, 2026.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on May 13, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company established under English law with a principal office in Coventry, United Kingdom. The Complaint offers little information concerning its business or its use of the FERMEC mark, but the Complainant operates a website at “www.mecalac.com”, which describes the Complainant as “an international manufacturer of wheel excavators, crawler excavators and wheel loaders” and a part of the Fayat Group, with eight sales offices based in France, Poland, Italy, Germany, Spain, and the United States of America, as well as “a network of 200 frontline dealers” offering service and assistance. According to its website at “www.fayat.com”, the Fayat Group is a French and international construction and road equipment company.

The Complainant claims two relevant trademark registrations for FERMEC as a word mark, European Union (“EU”) Trademark Number 000030833 (registered on October 14, 1998) in international classes 7, 12, and 37, and United Kingdom Trademark Number UK00900030833 (registered on October 14, 1998) in the same classes. The Panel notes that the EU mark is currently held not by the Complainant but by Groupe Mecalac PAE, a French company, while the United Kingdom (“UK”) mark, according to the online database of the UK Intellectual Property Office, was formerly registered to the Complainant but was assigned to the same French company on April 8, 2026, a week after the Complaint was filed in this proceeding.¹ The Panel notes that a press release on the Fayat Group website dated June 3, 2025, announced the acquisition of “the Mecalac Group.” The Complainant, however, has not furnished information confirming that it is affiliated with the current trademark holder or is licensed to use the marks in question by the current trademark holder.

The disputed domain name was created on October 6, 2019, and is registered to the Respondent Global IP Holdings Inc. of Saint Kitts and Nevis, listing a postal address in Nevis and a Mailfence contact email address. The disputed domain name resolves to a GoDaddy landing page with a “Purchase this domain” button.

The Respondent describes itself as a domain name investor that acquires “short, memorable, and commercially valuable domain names as investment assets”. The Respondent reports that it acquired the disputed domain name at auction in October 2019 after its registration had lapsed, for the nominal sum of RS 240 (approximately USD 2.50). The Response attaches evidence of its domain name registrations showing that its portfolio includes many other examples of aggregating short strings including the “fer” element (referring to “iron”) or the “mec” element referring to “mechanics”, typically using suffixes or prefixes from Latin or Romance languages. These include <fermic.com>, <ferness.com>, <feroli.com>, <ferisin.com>, <fertilis.com>, <ferroflex.com>, <fertimax.com>, <fertilisac.com>, <medimec.com>, <pimec.com>, <tokimec.com>, and <vimec.com>.

There is no indication in the record that the Complainant attempted to communicate with the Respondent before launching this UDRP proceeding.

¹Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is "strictly identical" to the Complainant's registered FERMEC word mark. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, as it is used only to redirect to a page advertising the disputed domain name for sale, citing a single precedent, *iptiQ Group Holding Ltd v. Melissa Boehm*, WIPO Case No. [DEUL2024-0002](#) ("*iptiQ*"). (That decision has nothing to do with the proposition for which the Complainant cites it, however; it merely determined the language of the proceeding.) The Complainant also contends that there is no evidence that the Respondent has ever put the disputed domain name to use and therefore registered it primarily for the purpose of selling it for an amount in excess of the Respondent's out-of-pocket costs. The Complainant offers this as evidence of bad faith consistent with the Policy, paragraph 4(b)(i). The Respondent points to its prior trademark registration implying prior awareness on the part of the Respondent. The Complainant also argues that "if [the Respondent] had been acting in good faith, they would undoubtedly have used the name as soon as it was registered".

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent concedes that the Complainant holds a trademark registration for FERMEC that meets the threshold standing requirements for the first Policy element but argues that the FERMEC brand was dormant and not in commercial use by the Complainant in 2019 when the disputed domain name was sold at auction to the Respondent.

The Respondent claims a legitimate interest in the disputed domain name for the value of this "short, pronounceable combination of common French dictionary words, suitable for investment and resale", citing UDRP precedents on the legitimacy of investing in domain names comprised of acronyms, dictionary words, or common phrases and observing that UDRP precedents do not require "active use" to establish legitimate interests in such domain names.

The Respondent denies prior awareness of the Complainant. The Respondent explains that it acquired the disputed domain name because it met the Respondent's criteria of being short and memorable, aggregating "fer" (referring to "iron" in Latin-derived languages) with "mec" (short for forms of "mechanic" or "mechanical" in many languages). The Respondent cites the Italian and Brazilian Portuguese websites "www.fermec.biz", "www.fermec.com.br", and "www.fermec.it" (which redirects to "www.fermec.tools.it"), showing that the string is used in those Latin-derived languages, with reference to metals and mechanics. The Respondent observes that "mec" is used idiomatically as well to refer to a "guy" or "man" in French and that "ferme" also means a "farm" in French. Thus, the string is of potential value as an abbreviation for a French enterprise such as those with websites at "www.fermecabana.fr", "www.fermecabioee.fr", "www.fermeculturelle.fr", and "www.fermecalass.fr", where "ferme" is followed by a word commencing with the letter "c". The Response annexes a list of 23 companies registered with "FERMEC" in their corporate name, from multiple jurisdictions, as well as a DomainIQ report identifying 442 domain names containing the string "fermec", and multiple live websites from around the world using the string unaffiliated with the Complainant.

The Respondent asserts that it was unaware of the Complainant when it acquired the disputed domain name in 2019 and points out that it never contacted the Complainant in an effort to sell the disputed domain name to the Complainant. The Respondent attaches screenshots from the Internet Archive's Wayback Machine and cites the Complainant's press releases to detail a history of the FERMEC brand. The FERMEC company was created in 1992, acquired by Case Corporation in 1996/97, and then by Terex Corporation in 2001. From 2001-2016, it appears that the company's machinery was advertised online under the TEREX mark. A press release on the Complainant's website reports that in December 2016 Groupe Mecalac S.A.

agreed to acquire the Terex Coventry business, “a subsidiary also known under the Fermec and Benford brands”, an acquisition to be completed in the first half of 2017. Thus, the Complainant came into existence about two years before the Respondent registered the disputed domain name. At that time, Terex Corp. apparently owned the disputed domain name. Archived screenshots earlier in 2019, before the registration of the disputed domain name expired, show that the disputed domain name redirected to “www.terex.com”, the Terex corporate website, which did not mention the Complainant or display the FERMEC mark. Thus, the Respondent argues that the FERMEC mark had been virtually abandoned for 18 years when the Respondent acquired the disputed domain name in 2019, and the Respondent had no reason to know of it or target it. The Respondent points out that UDRP panels generally reject the inference of bad faith solely based on “constructive notice” of trademark registrations.

The Respondent requests a finding of Reverse Domain Name Hijacking (“RDNH”). The Respondent points to the Complainant’s material mischaracterization of the *iptiQ* decision and the facts that the Complainant should have been aware that the FERMEC mark had been commercially dormant since 2001 and that Terex had been operating the disputed domain name for more than two decades as a TEREX-branded site “before abandoning it to public auction” in 2019.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

As described above, the Complainant asserts rights in respect of a registered FERMEC word mark identical to the disputed domain name, which would, on its face, suffice to establish standing under the first Policy element. [WIPO Overview 3.1](#), section 1.2.1. However, it appears from the online databases of the relevant intellectual property offices that the Complainant transferred those rights to another entity after filing this Complaint, and the Complainant has not supplemented its Complaint with evidence such as a licensing agreement to establish its continuing interest in the FERMEC trademark registrations, nor has the current owner of the trademark registrations appeared in this proceeding. The Complainant and the transferee share the “Mecalac” name, and the mark continues to appear on the Complainant’s website, so it is likely that the entities are in the same corporate group, but this is not a matter of record in this proceeding and is not evident from a perusal of the relevant corporate websites.

In view of the Panel’s findings on the second and third elements below, the Panel has not deemed it necessary to reach a finding on the first element or to issue a Panel Administrative Order seeking clarification on this factual issue.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name. The Complainant argues, essentially, that merely purchasing the disputed domain name and offering it for resale cannot be a legitimate interest. This is not, squarely, one of the examples of rights or legitimate interests enumerated in the Policy, paragraph 4(c), but UDRP panels have repeatedly recognized domain investing and resale as a legitimate commercial activity in cases involving domain names comprised, for example, of short strings, abbreviations, dictionary words, numbers, and common phrases, where the evidence indicates that the intent was not to capitalize on the reputation of the complainant’s similar mark. [WIPO Overview 3.1](#), sections 2.1, 2.10.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent registered and then offered the disputed domain name for sale consistent with a longstanding business practice of investing in

short strings composed of aggregated, memorable elements. In this case, the string is demonstrably similar to many others in the Respondent's portfolio built around the same elements "fer" and "mec" that are of possible interest to industrial or commercial enterprises and are in fact used in many other corporate, product, and domain names, across multiple languages. The Panel also finds, as discussed more fully in the following section, that it is not likely that the Respondent selected this particular disputed domain name to capitalize on the Complainant's mark and reputation, as the record shows that the Complainant was not actively marketing itself online under the FERMEC mark in 2019.

Accordingly, the Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent demonstrates that it has been active for years as a domain investor and has invested in multiple domain names composed similarly to the disputed domain name. The Respondent also denies prior awareness of the Complainant or its mark, and this is credible in these circumstances. Although there was a registered FERMEC mark, the available record indicates that the Complainant's products had been marketed principally since 2001 under the TEREX mark not the FERMEC mark; the Complainant offers no evidence to the contrary of commercial use of the mark, and the mark did not appear even on the website associated with the disputed domain name before its registration expired in 2019. The Panel is not inclined to adopt a rule of constructive notice of global trademark registrations or a general standard of due diligence for domain investors, particularly for domain names composed of short strings and dictionary elements such as this one. See [WIPO Overview 3.1](#), sections 3.2.2, 3.2.3. Thus, the available evidence supports the Respondent's contention that the disputed domain name was selected for its inherent potential commercial value and not as a pretext for exploiting the Complainant's mark or in an attempt to make a sale to the Complainant for an extortionate amount.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark (even giving the Complainant the benefit of the doubt concerning its continuing rights to the registered FERMEC mark).

The Panel finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

The Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking. The Complaint was filed by specialist intellectual property counsel and yet failed to disclose and explain material facts concerning the status of the Complainant's trademark registrations, the commercial use of the trademark, and the ownership and use of the disputed domain name by the Complainant's former parent company immediately prior to the Respondent's acquisition of the disputed domain name. The Complainant relied for the second element on a UDRP decision that it grossly mischaracterized as supporting the novel proposition that "domain name reselling, without actual use, does not establish a legitimate interest". The Complainant's case on the third element hinged on the Respondent's offering the disputed domain name for sale and stated, incorrectly, that "Panels have consistently held that offering a domain name for sale at a price in excess of documented out-of-pocket costs constitutes evidence of bad faith under paragraph 4(b)(i) of the Policy". That is not what the Policy says (and

not what panels hold), and it is an overgeneralization that would largely invalidate the domain resale industry. The Policy infers bad faith where circumstances indicate that the respondent has acquired the disputed domain name primarily for the purpose of selling it to the owner of a trademark for a price in excess of out-of-pocket costs. This requires evidence demonstrating the probability that the respondent was aware of the trademark when the respondent acquired the mark and did so primarily with the intention of selling it to the trademark owner. “Generally speaking, panels have found that the practice as such of registering a domain name for subsequent resale (including for a profit) would not by itself support a claim that the respondent registered the domain name in bad faith with the primary purpose of selling it to a trademark owner (or its competitor).” [WIPO Overview 3.1](#), section 3.1.1.

The cumulation of these material omissions or misstatements of fact and of Policy provisions and precedent lead the Panel to a finding of Reverse Domain Name Hijacking in this proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: May 27, 2026