



**DECISION OF THE THIRD-PARTY DECIDER**  
**Rundvirke Industrier AB / J.D.P.C. agri-shop prolako**  
**Case no. 444271 / octowood.be**

**1. The Parties**

**1.1. Complainant:**

Rundvirke Industrier AB,  
Box 76, SE-771 22 Ludvika  
Sweden

*Represented by:*

Elizaveta Osipchuk

Zacco Sweden AB – Attorney, Representative by proxy

Löjtnantsgatan 21

Stockholm

Sweden

**1.2. Domain Name Holder:**

J.D.P.C. agri-shop prolako

Herenweg 105

8435WR Donkerbroek,

Netherlands

**2. Domain name**

Domain name: octowood.be

Registered on: 21 May 2010

*Hereafter referred to as "the Domain Name".*



### 3. Procedure

On 14 April 2026, the Complainant filed a complaint concerning the Domain Name ("Complaint") with the Belgian Centre for Arbitration and Mediation ("CEPANI"), in accordance with the CEPANI rules for domain name dispute resolution (the "Rules") and the dispute resolution policy of DNS Belgium, incorporated in article 10 of its Terms and conditions for .be domain name registrations (the "Policy").

On 13 May 2026, the Domain Name Holder submitted a response to the Complaint.

On 13 May 2026, CEPANI appointed the undersigned, Ms. Lisbeth Depypere, as the Third-Party Decider to settle the dispute about the Domain Name.

Upon request of the Complainant, an additional term to submit a reply was granted in accordance with Article 13 of the Rules.

On 28 May 2026, the Complainant filed further observations.

The Domain Name Holder did not submit a further response.

On 17 June 2026, the deliberations were closed.

### 4. Factual Background information

The Complainant is a Swedish forestry and timber enterprise whose business is driven in substantial part by its subsidiary Octowood AB, which manufactures octagonal wooden fence posts and utility poles and exports widely within the European Union.

The Complainant owns an EU Trade Mark No. 000378430 "OCTOWOOD", filed on 25 September 1996 and registered on 26 May 1998 for goods in classes 6 and 19 (the "OCTOWOOD Trademark").

The Complainant contends also holding several other domain names incorporating OCTOWOOD, including octowood.com, octowood.dk, octowood.eu and octowood.se.

The Domain Name was registered on 21 May 2010.

The Domain Name Holder knew the Complainant, as the submitted files show the Domain Name Holder's contact person Jan Poortman (manager of the Domain Name Holder) contacting Octowood already in March 2008 to inquire about selling its products in the Benelux.

The case file further contains an email of 17 May 2010 in which Jan Poortman sent his business details to Octowood, and an email of 29 July 2010 from Octowood to Jan Poortman.

Additional correspondence from 2021 shows continuing commercial contact about prices and product information for OCTOWOOD products.

The Domain Name Holder states that he has purchased and sold OCTOWOOD products for many years and still maintains actual stock of such products.



That assertion is consistent with screenshots showing OCTOWOOD product pages on the Prolako website and with a 2025 Marktplaats reminder referring to an advertisement for “De Octowood Paal & Balk.”

It is also clear, however, that the broader Prolako site offers other fencing products, including “Rond in Rond” and “Wood within wood,” in addition to OCTOWOOD branded products.

The Complainant asserts that the Domain Name redirects Internet users to the Domain Name Holder's website at prolako.nl.

The Domain Name Holder does not deny that the Domain Name is used in connection with its website at prolako.nl but contends that the use is confined to genuine OCTOWOOD products within the relevant category and is therefore legitimate.

The Domain Name Holder does not show any express licence or written authorization from the Complainant permitting the Domain Name Holder to register or hold a domain name identical to the Complainant's OCTOWOOD Trademark.

## 5. Position of the parties

### 5.1. Position of the Complainant

The Complainant contends that the Domain Name is identical or at least confusingly similar to its OCTOWOOD Trademark, because the Domain Name wholly incorporates the mark and the “.be” suffix is irrelevant for comparison purposes.

The Complainant further argues that the Domain Name Holder has no rights or legitimate interests in the Domain Name because the Domain Name Holder was never licensed or otherwise authorized to use the OCTOWOOD Trademark in a domain name, is not commonly known by that name, and uses the Domain Name to redirect users to its own website.

The Complainant also submits that the Domain Name Holder's use is not bona fide because the Domain Name Holder's website offers the Complainant's products together with competing products.

As to bad faith, the Complainant argues that the Domain Name Holder knew of the Complainant and its trademark when the Domain Name was registered, and that the Domain Name has been used to attract Internet users for commercial gain by creating a false impression of affiliation or endorsement.

The Complainant therefore requests transfer of the Domain Name.

### 5.2. Position of the Domain Name Holder

The Domain Name Holder requests that the Complaint be rejected in its entirety.

The Domain Name Holder contends that he has a legitimate interest in the Domain Name because it is used in connection with the sale of genuine OCTOWOOD products and not for speculative purposes.



The Domain Name Holder disputes the Complainant's allegation that competing products are offered, arguing that within the relevant wooden pole category he sells exclusively OCTOWOOD products and that additional metal and plastic products are materially different.

The Domain Name Holder also relies on longstanding commercial dealings with the Complainant and on the Complainant's alleged inaction for more than ten years.

Finally, the Domain Name Holder denies both registration in bad faith and use in bad faith, asserting that the Domain Name was registered in connection with legitimate commercial activities and not with any intention to mislead.

## 6. Discussion and findings

Pursuant to Article 16.1 of the CEPANI rules for domain name dispute resolution, the Third-Party Decider shall rule on domain name disputes with due regard for the Policy and the CEPANI rules for domain name dispute resolution.

Pursuant to Article 10b (1) of the Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE, the Complainant must provide evidence of the following:

- *"the registrant's domain name is identical or confusingly similar to a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the complainant has rights; and*
- *the registrant has no rights or legitimate interests in the domain name; and*
- *the registrant's domain name has been registered or is being used in bad faith."*

### 6.1. The Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights

The Complainant has sufficiently established rights in the OCTOWOOD Trademark through the EU trademark registration.

The relevant part of the Domain Name is "octowood," as the ".be" extension shall not be taken into account, pursuant to the well-established case law of CEPANI (see inter alia CEPANI No. 444176, "belfisu.be", No. 444175, "coyotesystem.be" and No. 444140, "meguiarsshop.be").

The Domain Name is therefore identical to the Complainant's OCTOWOOD Trademark.

Accordingly, the first condition of Article 10(b)(1) of the Policy is fulfilled.



## 6.2. The Domain name holder has no rights or legitimate interests in the Domain Name

The Complainant must prove that the Domain Name Holder has no rights or legitimate interests in the Domain Name.

It is settled case-law that the Complainant does not have to prove a negative fact and that it is sufficient for the Complainant to make it plausible that the Domain Name Holder has no rights or legitimate interests in the Domain Name to shift the burden of proof to the Domain Name Holder (see inter alia CEPANI No. 444178, "belfius-inc.be", No. 444176, "belfisu.be", No. 444167, "yslbeauty.be", No. 444140, "meguiarsshop.be" and No. 444132 "accenture-insights.be").

Article 10(b)(3) of the Policy gives a non-exhaustive list of such circumstances which can demonstrate the Domain Name Holder's rights or legitimate interests to the Domain Name:

- *"prior to any notice of the dispute, the registrant used the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use; or*
- *the registrant (as an individual, business, or other organisation) has been commonly known by the domain name, even if he has no trademark; or*
- *the registrant is making a legitimate and non-commercial or fair use of the domain name, without intent to misleadingly divert consumers, for commercial gain or to tarnish the trademark, trade name, social name or corporation name, geographical designation, name of origin, designation of source, personal name or name of the geographical entity at issue."*

In the present case, the Complainant has made that prima facie showing by proving its trademark rights, by asserting that no licence was given for use of OCTOWOOD in the Domain Name, and by showing that the registrant is identified as agri-shop prolako / Poortman Donkerbroek rather than as "Octowood."

The Domain Name Holder has, however, submitted emails showing longstanding commercial contacts relating to OCTOWOOD products, and screenshots showing current OCTOWOOD product pages on which the Domain Name Holder presents itself as an independent reseller of Octowood products.

Those materials support the conclusion that the Domain Name Holder is engaged in an actual commercial activity and is not a passive or merely speculative registrant.

The Domain Name Holder's screenshots also show wording such as "Prolako is an independent reseller of Octowood products.". The Complainant's assertion that the website contains no clarification at all as to the Domain Name Holder's relationship with the Complainant, is therefore not correct.

However, even taking into account the reseller criteria as established in WIPO Case No. D2001-0903 (*Oki Data Americas, Inc. v. ASD, Inc.*) and invoked by the parties, the Domain Name Holder has not established a right or legitimate interest in the Domain Name. Pursuant to these criteria, use of manufacturer's trademark as a domain name by a reseller can be deemed a "bona fide offering of



goods or services" only if all the following conditions are satisfied: (1) the Domain Name Holder must actually offer the goods and services at issue; (2) the website must sell only the trademarked goods; (3) the website must accurately and prominently disclose the Domain Name Holder's relationship with the trademark holder; and (4) the Domain Name Holder must not try to "corner the market" in domain names that reflect the trademarks.

The Domain Name consists exclusively of the Complainant's OCTOWOOD Trademark and is used to redirect users to the Domain Name Holder's own broader commercial site.

Moreover, the wider site offers not only OCTOWOOD products but also other fencing products, including wooden fencing products such as "Rond in Rond" and "Wood within wood."

The wording on certain product pages that "Prolako is an independent reseller" is relevant and weighs in the Domain Name Holder's favour. It does not, however, eliminate the initial confusion created when Internet users are first drawn in by a domain name identical to the OCTOWOOD Trademark and are then redirected to the Domain Name Holder's own commercial environment.

Nor does the Domain Name Holder prove to have been commonly known by the name "Octowood."

In these circumstances, the Third-Party Decider finds that the Domain Name Holder has not demonstrated rights or legitimate interests in the Domain Name.

Accordingly, the second condition of Article 10(b)(1) of the Policy is fulfilled.

### **6.3. The Domain name holder's Domain Name has been registered or is being used in bad faith**

Bad faith must be reasonably proven and may be proven by any means, including presumptions and circumstances that indicate with a reasonable degree of certainty the existence of bad faith.

According to article 10(b)(2) of the Policy, the evidence of such in bad faith registration or use of a Domain Name can inter alia be demonstrated by the following circumstances:

- *"circumstances indicating that the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark, trade name, registered name or company name, geographical designation, name of origin, designation of source, personal name or name of the geographical entity, or to a competitor of the complainant, for a price that exceeds the costs that the registrant can show are directly related to the acquisition of the domain name; or*
- *the domain name was registered in order to prevent the owner of a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or a name of a geographical entity to use the domain name and that the registrant has engaged in a pattern of such conduct; or*
- *the domain name was registered primarily for the purpose of disrupting the business of a competitor; or*



- *the domain name was intentionally used to attract, for commercial gain, Internet users to the registrant's web site or other on-line location, by creating confusion with the complainant's trademark, trade name, registered name or company name, geographical designation, name of origin, designation of source, personal name or name of a geographical entity as to the source, sponsorship, affiliation, or endorsement of the registrant's web site or location or of a product or service on his web site or location; or*
- *the registrant has registered one or more personal names without the existence of a demonstrable link between the registrant and the registered domain names."*

Bad faith may be established by showing either bad faith registration or bad faith use.

The Complainant's OCTOWOOD Trademark predates the registration of the Domain Name by many years, and the parties had already been in contact before 21 May 2010, so the Domain Name Holder obviously knew of the Complainant and its trademark when the Domain Name was registered.

At the same time, the case file also shows an existing or developing commercial relationship around that period, including the exchange of business details in May 2010 and the transmission of website text by Octowood in July 2010, which creates some ambiguity as to the precise understanding between the parties at the time of registration.

The Third-Party Decider therefore cannot make a definitive finding that the Domain Name was *registered* in bad faith.

However, a finding of bad faith use is sufficiently supported.

The Domain Name is identical to the Complainant's OCTOWOOD trademark. It has been used to redirect Internet users to the Domain Name Holder's commercial site, where OCTOWOOD products are offered but where the wider site also contains other fencing products.

In these circumstances, the Domain Name Holder uses the Domain Name to attract Internet users for commercial gain by creating confusion with the Complainant's OCTOWOOD Trademark as to the the source, sponsorship, affiliation, or endorsement of the registrant's web site or location or of a product or service on his web site or location.

The wording in some screenshots identifying Prolako as an independent reseller does not eliminate that conclusion. While it tends to show that the Domain Name Holder was not trying literally to impersonate the Complainant on those pages, it does not cure the initial confusion created by the identical Domain Name and the diversion of users to the Domain Name Holder's broader commercial offering.

The Domain Name Holder's argument that the Complainant remained inactive for many years does not outweigh the Domain Name Holder's current use of the identical Domain Name in this manner.

The Third-Party Decider therefore finds that the Domain Name is being used in bad faith within the meaning of Article 10(b)(1) and 10(b)(2) of the Policy.

Accordingly, the third condition of Article 10(b)(1) of the Policy is fulfilled.



## 7. Decision

Consequently, pursuant to Article 10(e) of the *Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE*, the Third-Party Decider hereby rules that the domain name registration for the "**octowood.be**" domain name is to be transferred to the Complainant.

Brussels, 1 July 2026

DocuSigned by:

*Lisbeth Depypere*

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Lisbeth DEPYPERE

The Third-party Decider