

ADMINISTRATIVE PANEL DECISION

Alfa Laval Corporate AB v. Jim Wilson

Case No. D2023-2371

1. The Parties

The Complainant is Alfa Laval Corporate AB, Sweden, represented by Advokatbyrån Gulliksson AB, Sweden.

The Respondent is Jim Wilson, United States of America.

2. The Domain Name and Registrar

The disputed domain name <alfalaval.cam> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 1, 2023. On June 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 1, 2023, 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, Withheld for Privacy, ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 1, 2023, 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 June 2, 2023.

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 June 6, 2023. In accordance with the Rules, paragraph 5, the due date for the Response was June 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 5, 2023.

The Center appointed Charles Gielen as the sole panelist in this matter on July 10, 2023. 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 incorporated in Sweden that operates a business in the field of heat transfer, separation, and fluid handling across many industries. The Complainant holds a portfolio of registrations for the trade mark ALFA LAVAL in several countries and regions in the world, including United States of America trade mark registration number 0764251, registered on February 4, 1964; and European Union Trade Mark No. 003481702, registered on March 3, 2005.

The Complainant owns several domain names that incorporate its trade mark including the domain name <alfalaval.com>, registered on May 12, 1997.

The disputed domain name was registered on April 20, 2023, and resolves to an inactive website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the extensive and long-standing global use of the trade mark ALFA LAVAL has led to the mark acquiring a well-known status in many countries around the world.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's trade mark, because it entirely reproduces its trade mark ALFA LAVAL. For the purpose of determining confusing similarity, the generic Top-Level Domain ("gTLD") suffix (".cam" in this particular instance) should be disregarded.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The reasons for this are as follows. First, the Complainant has found no evidence of any *bona fide* offering of goods and services under the disputed domain name, or any legitimate or fair use of the mark. Rather, the Respondent uses the disputed domain name to connect to a "parked" page by the hosting provider (*i.e.* the disputed domain name is not currently connected to a website). Second, the Complainant has not granted any authorization to anyone, which includes the Respondent, to register domain names containing the Complainant's trade mark ALFA LAVAL or similar signs.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. First, the Complainant argues that it is highly likely that the Respondent had the Complainant and its trade mark ALFA LAVAL in mind when registering the disputed domain name, because the distinctive trade mark ALFA LAVAL is a well-known, used for a long time, and extensively protected by trade mark registrations available by public searches. Second, when registering the disputed domain name, the Respondent was hiding its identity and has shown no evidence of rights or legitimate interests in the disputed domain name or intention to use it in good faith. Third, the Complainant did not find any evidence that the Respondent has created the disputed domain name with the intention to use it for a legitimate cause.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Panel is of the opinion that the Complainant's contentions are reasoned, and that the disputed domain name should be transferred to the Complainant pursuant to the Policy.

A. Identical or Confusingly Similar

The Complainant proves that it has rights in the trade mark ALFA LAVAL based on different trade mark registrations. The Panel is of the opinion that the disputed domain name is identical to the trade mark of the Complainant because it contains “alfalaval”, which is identical to the trade mark of the Complainant. Furthermore, the added gTLD suffix “.cam” does not change the finding that the disputed domain name is confusingly similar, since it is understood to be a technical requirement. In making the comparison between the trade mark and the disputed domain name, the gTLD “.cam” is therefore disregarded. The Panel is of the opinion that by applying these principles to this case, the disputed domain name is identical to the trade mark.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

B. Rights or Legitimate Interests

The Panel is of the opinion that the Complainant made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel agrees with the Complainant that there is no evidence of any *bona fide* offering of goods and services under the disputed domain name, or any legitimate or fair use of the mark. Rather, the Respondent uses the disputed domain name to connect to an inactive page. Furthermore, the Complainant has not granted any authorization to anyone, which includes the Respondent, to register domain names containing the Complainant’s trade mark ALFA LAVAL or similar signs.

Furthermore, as UDRP panels have previously found, this Panel considers that domain names identical to a complainant’s trade mark carry a high risk of implied affiliation. In view of the international fame of the trade mark ALFA LAVAL, the Respondent must have been aware of the prior existence of this trade mark. Finally, the Respondent has not come forward claiming any rights or legitimate interests and the Panel does not find so in the present record.

In view of the aforementioned, the Panel is of the opinion that the requirement of paragraph 4(a)(ii) of the Policy is met.

C. Registered and Used in Bad Faith

The Panel is of the opinion that the disputed domain name was registered and is being used in bad faith.

The main reasons for this conclusion are as follows. The trade mark ALFA LAVAL is very well-known, long time used, and extensively protected. The intention of the Respondent is to mislead consumers in believing that the disputed domain name is in one way or the other connected to the Complainant and its business.

Furthermore, the bad faith intentions of the Respondent follow from the fact that, when registering the disputed domain name, the Respondent was hiding its identity.

Finally, there is no evidence that the Respondent has created the disputed domain name with the intention to use it for a legitimate cause or in good faith. As noted above, the disputed domain name resolves to an inactive website. In this sense, prior UDRP panels have determined that inactivity or passive holding does not prevent a finding of bad faith when weighing the totality of the circumstances ([WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#), section 3.3.). Accordingly, given the factors mentioned above, the Panel finds that the Respondent’s passive holding of the disputed domain name does not prevent a finding of bad faith.

The Panel therefore considers the requirement of paragraph 4(a)(iii) of the Policy to be met.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <alfalaval.cam>, be transferred to the Complainant.

/Charles Gielen/

Charles Gielen

Sole Panelist

Date: July 21, 2023