

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Whois Privacy Corp.

Case No. D2022-0172

1. The Parties

The Complainant is AB Electrolux, Sweden, represented by SILKA AB, Sweden.

The Respondent is Whois Privacy Corp., Bahamas.

2. The Domain Name and Registrar

The disputed domain name <aeg-helper.com> (the “Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 19, 2022. On January 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 21, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 January 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on February 28, 2022. 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 Swedish company founded in 1901. It is one of the world's leading producers of appliances and equipment for kitchen, cleaning and floor care products. In 2005, the Complainant acquired the rights to the AEG brand that had been used by the Complainant's predecessor since 1887. The Complainant has since 2005 marketed and sold a number of household and electronic products under the AEG mark. The Complainant operates its official website promoting its AEG products at the domain name <aeg.com>, which in turn connects to a number of country specific websites, including its Russian website at "www.aeg.ru".

The Complainant is the proprietor of a substantial number of trademark registrations around the world in respect of AEG, including International trademark number 241657B AEG registered on March 25, 1961 and International trademark number 822564 figurative word AEG registered on October 29, 2003, designating a number of territories including the Russian Federation.

The Domain Name was registered on June 26, 2020, and resolves to a Russian language website whose home page features the AEG mark in the same colour and font as used by the Complainant on its official website, alongside the words, translated into English, "Official Service Center". The website promotes a business offering to repair AEG products in Moscow, Russia. The "About Us" information comprises only an address in Moscow and a telephone number and does not identify the entity responsible for the website or the business.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its AEG trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy.

B. Respondent

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

6. Discussion and Findings

The Registrar has failed to disclose an underlying registrant of the Domain Name but merely confirmed that the registrant is a privacy service. In the circumstances, the Panel will use the "Respondent" to refer collectively to Whois Privacy Corp and any underlying registrant responsible for the website at the Domain Name.

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the AEG mark (the "Mark"), both by virtue of its trademark

registrations and as a result of the substantial goodwill and reputation acquired through its use, and the use by its predecessor for over 200 years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Mark together with a hyphen and the word “helper”. In the view of the Panel these additions do not prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

As section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) states, the consensus view is that once a complainant makes out a *prima facie* case on this element then the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized by the Complainant to use the Domain Name. The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods or services, but rather has used it for a website purporting falsely to be the official service center for AEG products in Moscow. In the Panel’s view, such activity does not give rise to rights or legitimate interests in respect of the Domain Name.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In these circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, the notoriety of the Mark and the use to which the Respondent has put the Domain Name, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The Respondent did so with a view to attracting Internet users and misleadingly diverting consumers to the website at the Domain Name in the mistaken belief that the service center promoted on the website was not only authorized by the Complainant but was the official service center for the Complainant’s AEG products. The Respondent is accordingly using the Domain Name to attempt to attract Internet users for commercial gain, by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation or endorsement of the website at the Domain Name.

Accordingly, the Panel finds that the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <aeg-helper.com>, be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: March 14, 2022