

ADMINISTRATIVE PANEL DECISION

**AB Electrolux v. Domain Admin, Whois Privacy Corp. / Alexander Kleshchin
Case No. D2022-0598**

1. The Parties

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

The Respondent is Domain Admin, Whois Privacy Corp., Bahamas / Alexander Kleshchin, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <electrolux-helper.com> 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 February 21, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 2022, 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 7, 2022 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 amendment to the Complaint on March 8, 2022.

The Center verified that the Complaint together with the amendment to 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 March 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 30, 2022.

The Center appointed Marilena Comanescu as the sole panelist in this matter on March 31, 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 AB Electrolux, a Swedish joint stock company founded in 1901 and one of the world's leading producers of appliances and equipment for kitchen and cleaning products as well as floor care products. The Complainant is a global leader in home and professional appliances and its flagship mark is ELECTROLUX. According to its assertions, in 2020, the Complainant had sales of SEK 116 billion and about 48,000 employees.

The Complainant owns several trademark registrations for the trademark ELECTROLUX in more than 150 countries all over the world, including in the Russian Federation where the Respondent is apparently located, such as the following:

- the International trademark registration number 1260775 for the word ELECTROLUX with device, registered on January 27, 2015, and covering goods and services in Nice classes 7, 8, 9, 11, 21, 26, 35, 37; and
- the International trademark registration number 836605 for the word ELECTROLUX with device, registered on March 17, 2004, and covering goods and services in Nice classes 3, 7, 8, 9, 11, 12, 21, 25, 35, 37, 39.

The Complainant is also the owner of a number of different domain names containing its trademark ELECTROLUX, including <electrolux.com> created on June 1, 2006, and <electrolux.ru> created on July 2, 1998.

The disputed domain name was registered on June 26, 2020. At the time of filing the Complaint, the disputed domain name was connected to a commercial website allegedly offering service and repair services for the Complainant's ELECTROLUX products, displaying the Complainant's ELECTROLUX trademark and logos and notes such as "Electrolux service center in Moscow", "Ask an Electrolux expert", and "Original Electrolux spare parts always in stock". The website under the disputed domain name contains no disclaimer.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its distinctive and well-known trademark ELECTROLUX, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant also contends that the Respondent is not one of its authorized partners and that generally, the agreements concluded with its licensees/distributors clearly stipulate that such partners are not entitled to register domain names incorporating the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

In view of the Respondent's default, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the ELECTROLUX trademark.

The disputed domain name incorporates the Complainant's ELECTROLUX trademark with an additional term, "helper". However, such addition does not prevent a finding of confusing similarity as the Complainant's trademark is clearly recognizable within the disputed domain name.

Numerous UDRP panels have considered that the addition of other terms (whether geographical wording, descriptive, pejorative, meaningless or otherwise) to trademarks in a domain name does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Further, it is well established in decisions under the UDRP that the Top-Level Domain ("TLD") (e.g., ".com", ".site", ".info", ".shop") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark ELECTROLUX, pursuant to the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant asserts that the Respondent does not hold any trademark rights, license or authorization whatsoever to use the mark ELECTROLUX, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods and services.

Under the Policy, "where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element". See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case.

There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain name.

Further, there is no evidence before the Panel to suggest that the Respondent has made a *bona fide* use of the disputed domain name, or has been known by this disputed domain name, or is making any legitimate noncommercial or fair use of the disputed domain name. In fact, at the time of filing the Complaint the disputed domain name resolved to a commercial website featuring the ELECTROLUX trademark and logos

and offering repair services.

In certain cases, Panels have recognized that resellers or service providers using a domain name containing the complainant's mark to undertake sales or repairs related to the complainant's goods and services may have a legitimate interest in such domain name. Relevant UDRP panel decisions in relation to this issue are helpfully summarized in section 2.8 of the [WIPO Overview 3.0](#) as follows:

Normally, a reseller, distributor or service provider can be making a *bona fide* offering of goods and services and thus have a legitimate interest in the domain name if its use meets certain requirements. These requirements normally include the actual offering of goods and services at issue, the use of the site to sell only the trademarked goods, the site's accurately and prominently disclosing the registrant's relationship with the trademark holder and the respondent must not try to "corner the market" in domain names that reflect the trademark.

This summary is based on UDRP panel decision *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903. At least one condition that is outlined has clearly not been satisfied by the Respondent in this case: at the time of filing the Complaint, on the website under the disputed domain name there was no accurate information regarding the Respondent's rights and its relationship with the Complainant and no disclaimer. Further, images of the Complainant's trademarks were displayed without any consent from the Complainant, thus generating a likelihood of confusion for the Internet users accessing the Respondent's website and suggesting a false commercial relationship between the website under the disputed domain name and the Complainant.

As the Complainant's products under the ELECTROLUX marks are primarily distributed through official/endorsed stores and authorized service providers, the Internet users are misled regarding the relationship between the website corresponding to the disputed domain name and the Complainant and will falsely believe that the website under the disputed domain name belongs to an official, endorsed distributor or partner of the Complainant.

For all these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant holds registered trademark rights for ELECTROLUX for almost 90 years.

The Complainant's ELECTROLUX trademark is very distinctive and is considered a highly reputed trademark worldwide. See also *AB Electrolux v. Contact Privacy Inc. Customer 0153947743 / Fortune Addrâh, Electrolux Global Services*, WIPO Case No. [D2020-0468](#); or *AB Electrolux v. Dao Van Tien and Nguyen The Dat*, WIPO Case No. [D2020-0550](#)

The disputed domain name was created in 2020 and incorporates the Complainant's well-known mark with an additional non-distinctive term "helper".

For the above reasons, the Panel finds that the disputed domain name was registered in bad faith, with knowledge of the Complainant, its business and particularly targeting the Complainant's trademark.

The Respondent is using without permission the Complainant's distinctive trademark in order to get traffic on its web portal and to obtain commercial gain from the false impression created for the Internet users with regard to a potential connection with the Complainant. This impression is created particularly by the incorporation of the Complainant's trademark in the disputed domain name, the content on the website provided thereunder which includes the Complainant's trademarks, official logo, and the lack of any disclaimer on such website.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] website or location” is evidence of registration and use in bad faith.

Given that the disputed domain name incorporates the Complainant’s trademark and the website operated under the disputed domain name displays the Complainant’s trademarks, logos and product images and has no disclaimer, indeed in this Panel’s view, the Respondent intended to attract Internet users accessing the website corresponding to the disputed domain name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

The Respondent did not participate in the present proceedings in order to put forward any arguments in its favor.

Furthermore, it was consistently found by previous UDRP panels that the mere registration of a domain name that is identical or confusingly similar to a third party’s well-known trademark constitutes, by itself, a presumption of bad faith registration for the purpose of Policy. See section 3.1.4 of the [WIPO Overview 3.0](#).

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

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 <electrolux-helper.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: April 13, 2022