

ADMINISTRATIVE PANEL DECISION

Alfa Laval Corporate AB v. Name Redacted Case No. D2023-2607

1. The Parties

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

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <alfalaval-se.net> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 16, 2023. On June 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 2023, 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 June 26, 2023. In accordance with the Rules, paragraph 5,

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

the due date for Response was July 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 21, 2023.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on July 25, 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.

In light of the circumstances outlined below, the Panel has redacted the name of the Respondent and issued Annex 1 with a direction to the Registrar regarding the transfer of the disputed domain name.

4. Factual Background

The Complainant carries on business in the field of heat transfer technology, separation and fluid handling, serving a variety of commercial sectors, including energy, food services, and pharmaceuticals. The Complainant began operations in Sweden in 1883, where its headquarters remain. The trademark ALFA LAVAL was adopted as early as 1897, and the Complainant currently holds more than 200 registrations for the mark around the world. Detailed evidence of the global trademark portfolio has been provided, including United States of America registration no. 0764251 for ALFA LAVAL, dated February 4, 1964, covering International classes 6, 7, 8, 9, 11, 12, 16, 21 and 28.

The Complainant also owns a portfolio of ALFA LAVAL formative domain names, including <alfalaval.com> which is used for its main online marketing portal.

The disputed domain name was registered on April 27, 2023 and reverts to an inactive web page.

5. Parties' Contentions

A. Complainant

The Complainant submits that it is the owner of well-established registered rights in the trademark ALFA LAVAL particularly in Europe and in other countries around the world where it carries on various aspects of its business. The disputed domain name is confusingly similar to the Complainant's registered trademark as it replicates the entirety of the mark in combination with the geographic designation "se" (standing for Sweden), which does not prevent a finding of confusion.

With respect to the absence of rights or legitimate interests, the Complainant asserts that the Respondent has never been authorized to engage in this conduct or to adopt a confusingly similar domain name. It further submits that the Respondent is not making a *bona fide* offering of services but rather is using the disputed domain name to deceive unknowing Internet users through its association with the well-known ALFA LAVAL mark. The Complainant submits that it has put forward clear *prima facie* evidence of the absence of rights or legitimate interests.

With respect to bad faith, the Complainant relies on evidence of the Respondent's adoption of the distinctive ALFA LAVAL mark to establish that the Respondent has deliberately targeted the Complainant's business, to generate Internet traffic for commercial gain. The Complainant also points to indicia of identity theft perpetrated by the Respondent when registering the disputed domain name. In particular, the Respondent has adopted the name of a person employed in the Complainant's Indian office, without authorization. The other contact particulars used by the Respondent are nonsensical, including a false registrant company name from Detroit, Michigan, and an email address for the CEO of unrelated business in Sweden. Based on this misconduct, the Complainant submits that there is sufficient evidence to support a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) The disputed domain name is identical or confusingly similar to the trademark or service mark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interest in respect of the disputed domain name; and
- (iii) The domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant clearly owns rights in its ALFA LAVAL trademark, established through long-term use and its portfolio of registrations across Europe and internationally where it carries on its business. The Panel notes that the mark has actually been registered in Sweden for more than 100 years.

The test for confusing similarity is described as a "reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name" in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's well-known registered trademark. The disputed domain name includes the entirety of the distinctive ALFA LAVAL mark with the addition of a hyphen and the geographic term "se". This addition does not prevent a finding of confusing similarity under the first element. The Complainant's trademark is clearly recognizable as the distinctive element within the disputed domain name ([WIPO Overview 3.0](#), section 1.8).

The Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Although the Policy places on the Complainant the burden of proof to establish the absence of rights or legitimate interests, the practice now recognizes that it is often sufficient for the Complainant to make out a *prima facie* case, which then shifts the burden of production to the Respondent to bring forward evidence to demonstrate the relevant rights or interests. Where the Respondent fails to produce such evidence, the Complainant will be deemed to have satisfied the second element ([WIPO Overview 3.0](#), section 2.1).

In this proceeding, the Complainant has provided evidence of the Respondent's misconduct in misappropriating the Complainant's ALFA LAVAL trademark and creating a confusingly similar domain name, for purposes of attracting unsuspecting Internet users. The Respondent is not affiliated or related to the Complainant in any way, and it has never been licensed or authorized to use the ALFA LAVAL mark for any purpose. The respondent has never been commonly known by the disputed domain name and has never acquired any trademark rights in that name. At the time of filing the Complaint, the disputed domain name was inactive; combined with the circumstances set out above, this does not constitute a *bona fide* or legitimate use.

The totality of the evidence is sufficient to establish a *prima facie* case of the absence of rights or legitimate interests on the part of the Respondent.

In the absence of any response from the Respondent, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name constitutes an abusive registration which is being used in bad faith. The Respondent clearly set out to target the Complainant, to deceive users into believing that its confusingly similar disputed domain name was in fact associated with the Complainant, to thereby attract Internet traffic for commercial gain.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith, see [WIPO Overview 3.0](#), section 3.1.4.

The Panel also identifies several aspects of the Respondent's conduct as probative evidence of bad faith:

- (1) the fact that ALFA LAVAL is a well-known trademark and business name, with broad international reputation in multiple countries, with use dating back to 1883;
- (2) the fact that ALFA LAVAL is a distinctive term, which is connected exclusively with the Complainant;
- (3) the fact that there is no reason for the Respondent to use ALFA LAVAL as part of its disputed domain name except to trade on the Complainant's reputation and thereby to attract Internet users to its confusingly similar disputed domain name for purposes of commercial gain;
- (4) the passive holding of the disputed domain name, combined with the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use.

In addition, the Panel identifies the conduct of the Respondent in concealing its identity as a further indicator of bad faith. The Complainant's investigation of the contact details for the disputed domain name registration reveals a number of misleading and false entries. In particular, the registrant information is false, as it wrongly identifies an individual who is employed by the Complainant in India, without authorization. Similarly, a false company name from Detroit, Michigan is used as well as a false email address for the CEO of an unrelated business in Sweden. Identity theft by way of multi-layered obfuscation by a respondent is viewed as probative evidence of bad faith (see [WIPO Overview 3.0](#), section 4.4.6).

The Complainant has satisfied paragraph 4(a)(iii) of the Policy.

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-se.net> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date August 8, 2023