

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. domain admin

Case No. D2023-2997

1. The Parties

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

The Respondent is domain admin, United States of America.

2. The Domain Name and Registrar

The disputed domain name <electroluxweb.com> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (On behalf of <electroluxweb.com> OWNER, c/o <whoisproxy.com>) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 21, 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 amendment to the Complaint on July 25, 2023.

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 July 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 18, 2023.

The Center appointed Iris Quadrio as the sole panelist in this matter on September 6, 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, AB Electrolux, is a Swedish joint stock company that has been doing business since 1901, and a leader in the production of accessories and equipment for the kitchen, cleaning products and floor care products. In the early 20th century, the Complainant led the development of the modern canister-type cleaner and the absorption refrigerator.

It is worth mentioning that the Complainant was originally incorporated as Elektromekaniska AB and then changed its name to Aktiefbolaget Electrolux following a merger with Swedish AB Lux.

Nowadays, the Complainant sells approximately 60 million household products in approximately 120 markets every year. Its sales amounted to SEK 126 billion in 2021.

The Complainant is the owner of the trademark ELECTROLUX, which is registered worldwide in more than 150 countries, including the recent International registration for ELECTROLUX 1260775 in cl 7, 8, 9, 11, 21, 26, 35 and 37 and No. 836605 in cl. 3, 7, 8, 9, 11, 12, 21, 25, 35, 37 and 39.

The Complainant has also registered many domain names including the trademark ELECTROLUX such as <electrolux.com>, <electrolux.co.uk>, <electrolux.se>, <electrolux.in>, <electrolux.fr>, <electrolux.de>, among others. Likewise, it has a strong presence in social media, in particular in the following online platforms: Facebook (5184k followers), LinkedIn (516.5k followers), Instagram (101k followers) and YouTube (44.5k followers).

All of the above shows that ELECTROLUX is a popular and well-known trademark worldwide.

The disputed domain name <electroluxweb.com> was registered on July 22, 2022, and resolves to a parking page showing advertisements related to the Complainant and competitors' products, which also has active MX servers.

5. Parties' Contentions

A. Complainant

The Complainant claims that the disputed domain name is confusingly similar to its trademark ELECTROLUX on which the Complainant has prior rights.

The Complainant claims that the Respondent is not affiliated with the Complainant in any way. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark ELECTROLUX or apply for registration of the disputed domain name.

More specifically, the Complainant alleged that the Respondent has not used and/or has no demonstrable intention to use the disputed domain name except to create a likelihood of confusion with the Complainant's trademark. In fact, the Complainant claims that the Respondent has selected the disputed domain name only to intentionally lead Internet users to believe they are accessing the Complainant's website.

Finally, the Complainant has requested the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with 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 disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

As set forth in Section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) the standing test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name to determine whether the disputed domain name is confusingly similar with the trademark. The test involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Panel considers that the disputed domain name <electroluxweb.com> is confusingly similar to the Complainant’s ELECTROLUX trademark, since it incorporates the Complainant’s trademark ELECTROLUX in its entirety, while the inclusion of the common keyword “web” does not avoid a finding of confusingly similarity.

Moreover, the “.com” generic Top-Level Domain (“gTLD”) is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

Based on the above, the Panel finds that the disputed domain name is confusingly similar to the trademark ELECTROLUX on which the Complainant has prior rights and therefore considers that the requirements of paragraph 4(a)(i) of the Policy are fulfilled.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, a respondent may establish rights to or legitimate interests in a domain name by demonstrating any of the following non-exclusive defenses:

- (i) before any notice to it of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain, to misleadingly divert consumers.

Although the Policy addresses ways in which a respondent may demonstrate rights or legitimate interests in a disputed domain name, it is well established that a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the domain name (Section 2.1 of [WIPO Overview 3.0](#)). Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name and if the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied

the second element (see *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Complainant has claimed not to have authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the ELECTROLUX trademark nor there is any other evidence in the file suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name. Also, the Complainant has prior rights in the ELECTROLUX trademark which clearly precede the Respondent's registration of the disputed domain name.

Likewise, it does not seem that the Respondent made nor is making a legitimate noncommercial or fair use of the disputed domain name. In this regard, the Complainant demonstrated that the disputed domain name is parked with pay-per-clicks ("PPC") links related to the Complainant and its competitors' goods and services. The latter evidences the Respondent's intention to generate confusion among consumers as to the origin of the website, who may believe that the disputed domain name is related to the Complainant.

Also, the fact that the disputed domain name has active MX records reinforces the fact that the disputed domain name is intended to obtain commercial gain, to misleadingly divert consumers due to the Complainant's reputation and goodwill.

Given these circumstances, the Panel finds that the Complainant has made out a *prima facie* case. Having made such *prima facie* case, the burden of production then shifted to the Respondent to refute the Complainant's assertion or to demonstrate *bona fide* use of the disputed domain name. The Respondent has not submitted a reply, and the Panel is unable to consider any reasonable basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the disputed domain name (see *Telstra Corporation Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been fulfilled.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy contains a non-exhaustive list of factors evidencing registration and use in bad faith. Among others, it states that it is sufficient to support a finding of bad faith the fact that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In such connection, the Complainant has submitted evidence to support that the trademark ELECTROLUX is widely known and has been registered and used many decades before the Respondent registered the disputed domain name (exactly in 1925). When registering the disputed domain name, the Respondent has targeted the Complainant's trademark ELECTROLUX to generate confusion among Internet users and benefit from the Complainant's reputation.

Even more, as referred to in Section B, the disputed domain name resolved to a PPC parking page with links related to the Complainant and its competitors. The Panel finds therefore that the Respondent's use of the disputed domain name incorporating the Complainant's distinctive and well reputed ELECTROLUX trademark is intended to attract and confuse Internet users searching for the Complainant's websites or for offers relating to the Complainant's business and to redirect them to the links at the relevant PPC pages from which the Respondent most probably derives commercial revenue.

Also, the activation of MX records (submitted by the Complainant in Annex V) reveals that the Respondent might intend to send suspicious emails such as phishing emails, which only emphasize the Respondent's bad faith in the use and registration of the disputed domain name.

Additionally, the clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in Section 3.2.1 of [WIPO Overview 3.0](#)).

In view of the above given reasons, the Panel finds that the Respondent has registered and used the disputed 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 disputed domain name, <electroluxweb.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: September 20, 2023