

ADMINISTRATIVE PANEL DECISION

Ludvig Svensson AB v. Name Redacted, Name Redacted Case No. D2023-3607

1. The Parties

The Complainant is Ludvig Svensson AB, Sweden, represented by Rouse AB (Valea AB trading as Rouse AB), Sweden.

The Respondents are Name Redacted, and Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain names <iudvigsvensson.com> and <ludvlgsvensson.com> are registered with Squarespace Domains II LLC (the “Registrar”).²

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2023. On August 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 28, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 31, 2023, with the registrant and contact information of nominally multiple underlying registrants revealed by the

¹ The Respondents appear to have used the name of an actual employee at the Finance Department of the Complainant’s office in Netherlands (Kingdom of the) when registering the disputed domain names, the same employee’s name also have been used in connection with a different domain name used in connection with fraudulent email messages attempting to impersonate the Complainant. In light of the potential identity theft, the Panel has redacted the Respondents’ names from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding the transfer of the disputed domain names, which includes the names of the Respondents. 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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](#).

² At the time of filing the Complaint, the disputed domain names were registered with Google LLC. However, the disputed domain names are currently registered with Squarespace Domains II LLC due to the transaction between Google LLC and Squarespace Domains II LLC. In response to the change of the Registrar, the Complainant submitted an amendment to the Complaint on September 29, 2023.

Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity. The Complainant filed an amendment to the Complaint on September 1, 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 Respondents of the Complaint, and the proceedings commenced on September 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondent's default on September 29, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on October 4, 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 Swedish textile company founded by Ludvig Svensson in 1887, currently managed by the fourth generation of the founder's family, named Ludvigson, being Ludvigson Invest AB the holding company of the Complainant's group. The Complainant evolved from manufacturing home textiles to textiles used in greenhouses, insect control nets as well as technical textiles, now sold in more than 130 countries.

In addition to the domain name <ludvigsvensson.com>, registered on May 16, 1997, and used by the Complainant to operate its official website and for all its email addresses, the Complainant's holding company is the owner of the following, amongst others, trademark registrations for SVENSSON (Annex D to the Complaint):

- Swedish trademark registration No. 329444, registered on December 11, 1998, subsequently renewed, in class 22; and
- International trademark registration No. 695554, registered on May 6, 1998, subsequently renewed, in classes 6, 17, 19, 22 and 24.

The disputed domain names were registered on August 3, 2023, and presently do not resolve to active webpages.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's SVENSSON trademark which is clearly recognizable within the disputed domain names. The addition of the misspelled name Ludvig ("iudvig" and "ludvlg", respectively) would not prevent a finding of confusing similarity.

Moreover, the Complainant asserts that the Respondents have no rights or legitimate interests in respect of the disputed domain names given:

- a. the Complainant's prior use of its SVENSSON trademark and company name Ludvig Svensson AB or Svensson Invest AB;
- b. the Respondents are not affiliated or related to the Complainant in any way, or having been licensed or otherwise authorized to use the SVENSSON mark in connection with a website, a domain name or for any other purpose;
- c. the Respondents are not using the disputed domain names in connection with any legitimate noncommercial or fair use without intent for commercial gain;
- d. the Respondents are not commonly-known by the disputed domain names; and
- e. the Respondents have not acquired any trademark or service mark rights in that name or mark.

As to the registration and use of the disputed domain names in bad faith, the Complainant asserts that the Respondents' use of the personal data of one of the Complainant's employees in connection with the disputed domain names is a clear indication of the Respondents' knowledge of the Complainant, having one of the disputed domain names mail servers configured and therefore potentially used in connection with fraudulent emails. Also, both the present inactive use of the disputed domain names as well as the Respondents' choice to retain a privacy protection service are further indicatives of the Respondents' bad faith.

B. Respondents

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

6.1 Preliminary Issue: Consolidation of Multiple Respondents

The Complaint (together with its amendment) was filed in relation to multiple domain names. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that both disputed domain names were registered under the same Respondent name, albeit different (though similar) Respondent Organizations, on the same date, through the same Registrar, using the same privacy service account. Once the privacy shield was removed the disclosed details pertained to one of the Complainant's employees, which indicates identity theft. Even though the Respondents' telephone numbers and postal addresses are different, they use the same email address.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive Issues

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Complainant's mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms ("iudvig" and "iudvlg") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that may indicate the Respondent's rights to or legitimate interests in a disputed domain name. These circumstances are:

(i) before any notice of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; or

(ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, in spite of not having acquired trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent, in choosing not to respond, has failed to invoke any of the circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to and/or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden is still on the Complainant to first make out a *prima facie* case against the Respondent (being the overall burden of proof always with the Complainant, but once the 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).

In that sense, the Complainant indeed states that the Respondent is not affiliated or related to the Complainant in any way, not having been licensed or otherwise authorized to use the SVENSSON mark in connection with a website, a domain name or for any other purpose.

Also, the absence of any indication that the Respondent holds rights or legitimate interests in a term corresponding to the disputed domain names, or any possible link between the Respondent and the disputed domain names that could be inferred from the details known of the Respondent or the webpage available at the disputed domain names, corroborate with the Panel's finding of the absence of rights or legitimate interests. Furthermore, using the Complainant's genuine employee's name to fraudulently register the disputed domain names cannot confer any rights or legitimate interests on the Respondent.

Therefore, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain names:

- a) the Complainant is a long-established corporation, being its name and registered trademark well known;
- b) the potential use of the disputed domain names in connection with a fraudulent email scam impersonating one of the Complainant's employees;
- c) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain names;
- d) the Respondent's choice to retain a privacy protection service; and
- e) the Respondent's use of the details of a genuine employee of the Complainant, characterizing identity theft.

Further, previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly (particularly domain names comprising typos or incorporating the mark plus a descriptive term) similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4. Having considered all the circumstances, the Panel finds that the passive holding of the disputed domain names does not prevent a finding of bad faith.

For the reasons above, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain names.

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 names, <iudvigsvensson.com> and <ludvlgsvensson.com>, be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: October 9, 2023