

## ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Carolina Rodrigues  
Case No. D2023-4298

### 1. The Parties

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

Respondent is Carolina Rodrigues, Panama.

### 2. The Domain Name and Registrar

The disputed domain name (the “Domain Name”) <electrolux.com> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 17, 2023. On October 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. That same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy / Privacy service provided by Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on October 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on October 20, 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 Respondent of the Complaint, and the proceedings commenced on October 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 12, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 23, 2023.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on December 1, 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**

Complainant is a Swedish company founded in 1919 which produces and sells worldwide equipment for the kitchen, cleaning products, and floor care products. Complainant's well-known brand for kitchen and cleaning appliances is ELECTROLUX. Complainant owns numerous trademarks for ELECTROLUX covering more than 150 countries around the world, including: United States Trademark Registration No. 195,691 (registered March 3, 1925) (the "ELECTROLUX Mark" or the "Mark"). Complainant has more than 52,000 employees based in over 60 offices across the world.

Complainant owns numerous domain names which encompass its ELECTROLUX mark that it uses to advertise its goods and services internationally. They include: <electrolux.com>, <electrolux.co.uk>, <electrolux.se>, <electrolux.in>, <electrolux.fr>, and <electrolux.de>.

The Domain Name was registered on August 21, 2023. The Domain Name resolved to a website (the "Website") having pay-per-click ("PPC") links selling car insurance and credit cards, among other things. On some visits to the Website, there was a banner indicating that the Domain Name was for sale, and encouraging users to enquire with regard to its purchase. Clicking on this banner directed users to a page noting that the Domain Name is for sale over the phone. Additionally, the Domain Name is advertised for sale on the aftermarket platform Sedo, and users are invited to submit offers in excess of USD 999 to purchase it. Currently the Website resolves to a page stating: "Please show you're not a robot" with a box to check.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that it has standing by virtue of its trademark registrations for the ELECTROLUX Mark including the United States registration mentioned above, and it relies on the goodwill and recognition that it has obtained under the Mark for its goods and services. Also, the Domain Name is identical to Complainant's ELECTROLUX Mark except for the substitution of the letter "u" with the letter "i". These letters are adjacent on a Qwerty keyboard. The Mark is clearly recognizable in the Domain Name; the minor alteration does not avoid a finding of confusing similarity.

Respondent has not registered any trademarks, nor does Respondent have unregistered trademark rights, for "electrolux" or any similar term. Additionally, Complainant has not licensed or otherwise authorized Respondent to use the Mark in any way including to register domain names. Respondent has not used, nor prepared to use, the Domain Name in connection with a *bona fide* offering of goods or services because it has been used to resolve to pages containing PPC links to unrelated sites and services under headings such as "Car Insurance" and "Credit Cards" and at times to a page offering the Domain Name for sale. Furthermore, Respondent is not known, nor has ever been known, by the ELECTROLUX Mark, "electrolux", nor anything similar. And Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the ELECTROLUX Mark. The Domain Name is a typo-squatted variation of the ELECTROLUX Mark, and its composition is evidently designed to unfairly divert good faith Internet users, attempting to access Complainant's website, to other third-party sites for commercial gain.

Complainant has accrued substantial goodwill and recognition in the ELECTROLUX Mark, which was first registered as a trademark more than 100 years ago. Complainant has a global customer base with more than 52,000 employees and over 60 offices worldwide. The ELECTROLUX Mark is readily identifiable on publicly accessible trademark databases and using common search engines. A simple degree of due diligence would have informed Respondent of Complainant's rights in the Mark.

Furthermore, Respondent's selection of the word "electrolux" unequivocally reflects Respondent's attempt to capitalize on Complainant's rights through typo-squatting. Also, Respondent has used a typo-squatted variation of the Mark to intentionally divert Internet users attempting to reach Complainant's "www.electrolux.com" website to Respondent's containing PPC links for unrelated sites and services.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 the Mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The mere minor misspelling here – substituting the letter "u" with the letter "i" can be disregarded. Such misspelling in a trademark is commonly referred to as "typo-squatting". A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

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 list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise. It is un rebutted that: (1) Respondent has not registered any trademarks, nor does it have unregistered trademark rights, for "electrolux" or any similar term; (2) Complainant has not authorized, including licensed, Respondent to use the ELECTROLUX Mark for any purpose, including to register the Domain Name; (3) Respondent has not used, nor prepared to use, the Domain Name in connection with a *bona fide* offering of goods or services because the Domain Name resolved to pages containing PPC links to sell products and services such as "Car Insurance" and "Credit Cards". At other times, the Domain Name resolved to a site having a banner indicating that the Domain Name was for sale and encouraging the public to inquire about purchasing it. The Domain Name is also advertised for sale on the aftermarket platform Sedo, where users are invited to submit offers in excess of USD 999 to purchase it; and (4) Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers because the Domain Name is a typo-squatted variation of the ELECTROLUX Mark, and its composition is designed to divert good-faith Internet users, attempting to access Complainant's "www.electrolux.com" website, to other third-party sites for commercial gain.

Complainant notes that Respondent has configured the Domain Name with an MX (mail exchange) record and that, given the Domain Name's confusing similarity with the ELECTROLUX Mark, there is a strong likelihood that it may be used for email phishing activities.

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

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that: (1) Complainant's registration and use of the ELECTROLUX Mark dates back to 1925 – many years before the date Respondent registered the Domain Name; (2) Complainant is well known, having a global customer base and employing more than 52,000 employees in over 60 offices worldwide; (3) the ELECTROLUX Mark is readily identifiable on publicly accessible trademark databases (e.g., WIPO's Global Brand Database) as well as on the Internet using the Google search engine to search for the Mark (and the Google search show Complainant's rights in the Mark); and (4) Respondent selected for its Domain Name a well-known mark and engaged in typo-squatting (Respondent's substitution of an "i" (for a "u") which is next to the "u" key on a Qwerty keyboard, illustrates Respondent's clear attempt to misleadingly capture and divert good faith Internet users that inadvertently mistype the Complainant's website, "www.electrolux.com". These facts and circumstances lead the Panel to conclude that Respondent registered the Domain Name in bad faith.

Respondent's bad faith use of the Mark is established because the Domain Name is a typo-squatted variation of the ELECTROLUX Mark and Respondent has used this variation to intentionally divert Internet users attempting to reach Complainant's commercial website "www.electrolux.com" to the Website containing PPC links for unrelated goods and services.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Here, the Domain Name has resolved to a site which exhibits a banner that solicits offers for the public to purchase the Domain Name. Clicking on this banner directs the public to a page noting that the Domain Name is for sale over the phone. Similarly, the Domain Name has been advertised for sale on the aftermarket platform Sedo, where the public is invited to submit offers to buy the Domain Name for USD 999.

Respondent has configured the Domain Name with an MX (mail exchange) record and, given the Domain Name's confusing similarity with the ELECTROLUX Mark, there is a risk that it may be used for email phishing activities. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Name constitutes bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element 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 Domain Name <electrolix.com> be transferred to Complainant.

*/Harrie R. Samaras/*

**Harrie R. Samaras**

Sole Panelist

Date: December 12, 2023