

ADMINISTRATIVE PANEL DECISION

Einride AB v. Cole Wentworth
Case No. D2024-0103

1. The Parties

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

The Respondent is Cole Wentworth, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <einrides.tech> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 11, 2024. On January 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 11, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 12, 2024, 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 January 15, 2024.

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 January 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 7, 2024.

The Center appointed Áron László as the sole panelist in this matter on February 12, 2024. 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, established in Sweden in 2016, specialises in electric and self-driving vehicles, namely electric trucks and autonomous vehicles. The Complainant operates in Sweden, Norway, Germany, the Benelux region, the United Kingdom, and the United States.

The Complainant's main website is available under the domain name <einride.tech>, which was registered on March 31, 2018, and has been used consistently since then. The Complainant also uses the website to advertise its employment opportunities in various regions "einride.tech/careers".

The Complainant owns several trademarks for the sign EINRIDE, including

- Swedish trademark EINRIDE (word) Nr. 535582 registered on November 4, 2016, for goods and services in Nice Classes 7, 12, 20, 35 and 39;
- European Union trademark EINRIDE (word) Nr. 017417908 registered on February 25, 2018, for goods and services in Nice Classes 7, 9, 12, 20, 35, 39 and 42;
- United States trademark EINRIDE (word) Nr. 5865326 registered on September 24, 2019, for goods and services in Nice Classes 9, 12, 39 and 42;
- International registration EINRIDE (word) Nr. 1722096 registered on December 2, 2022, for goods and services in Nice Classes 6, 9, 12, 19, 20, 25, 28, 35, 37, 38, 39 and 42.

The disputed domain name was registered on December 8, 2023, and has been used to send phishing correspondence impersonating the Complainant. There is currently no content on the website. According to the Complaint, the disputed domain name was suspended by the Registrar at the Complainant's request. No information is available about the Respondent.

5. Parties' Contentions

A. Complainant

The Complainant submits that it has achieved a significant level of recognition in the autonomous vehicle industry and is consistently featured in third-party sources that compile and describe the top self-driving truck companies. The Complainant claims to have a strong social media presence.

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

Notably, the Complainant contends that it satisfies the identity/confusing similarity requirement of the first element, since the disputed domain name is composed of the Complainant's EINRIDE mark in full, and this is only preceded by the letter "s".

The Complainant maintains that the Respondent could not have had any rights or legitimate interests in the disputed domain name. The Complainant has maintained its allegations after the identity of the actual holder was revealed.

As regards the third element, the Complainant alleges that the disputed domain name has been used to send phishing correspondence, namely job offers, impersonating the Complainant.

B. Respondent

The Respondent did not reply to the 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 the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the trademark EINRIDE is reproduced within the disputed domain name with the sole addition of the letter "s" at the end of the disputed domain name. Confusing similarity has been found in many similar cases before (see e.g., *BORBONE v. borbones.xyz*, WIPO Case No. [D2023-4378](#)). Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 the 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity here, phishing and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the Respondent has used the disputed domain name to impersonate the Complainant in the form of a false job offer.

The fake job offer (Annex 10 to the Complaint) was sent from the email address “[...]@einrides.tech” and offered a remote position with the Complainant. The email address of the recruiter also uses the disputed domain name “[...]@einrides.tech”, but the signature at the end of the email contains the address of the Complainant’s New York office and links to the Complainant’s website “https://einride.tech”. In addition, the privacy notice in the footer contains a link to the Complainant’s privacy page (“https://einride.tech/privacy-policy”). The Panel considers this to be a clear example of phishing by impersonating the Complainant.

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.

Panels have held that the use of a domain name for illegal activity here, phishing and impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The panel in *ARVATO v. arvatos-scs.com*, WIPO Case No. [D2023-5212](#) found “the Panel notes that Respondent has registered the disputed domain name that is confusingly similar to Complainant’s trademark ARVATO – as explained above in Section 6.A - as merely adds the letter ‘s’ and includes the abbreviation ‘scs’ in this context, according to Complainant, pertaining to ‘supply chain services’, which does not disclose Respondent’s lack of any relationship to Complainant nor is significantly distinctive to avoid confusion. The Panel finds that it was duly demonstrated that Respondent was aware of Complainant’s rights to the trademark ARVATO at the time of the registration - as Complainant enclosed fraudulent phishing emails sent by servers related to the disputed domain name informing Complainant’s clients a change of invoice information (Annex 09 to the Complaint).”

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 disputed domain name <einrides.tech> be transferred to the Complainant.

/Áron László/

Áron László

Sole Panelist

Date: February 22, 2024