

## **ADMINISTRATIVE PANEL DECISION**

Alfa Laval Corporate AB v. mark demad  
Case No. D2024-1245

### **1. The Parties**

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

The Respondent is mark demad, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <alflaval.com> is registered with Name SRS AB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 22, 2024. On March 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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 (Protected Protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 26, 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 amended Complaint on March 27, 2024.

The Center verified that the Complaint together with the amended 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 28, 2024. In accordance with paragraph 5 of the Rules, the due date for Response was April 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 24, 2024.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on April 26, 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 paragraph 7 of the Rules.

#### **4. Factual Background**

The Complainant was established in 1883 under the company name AB Separator, which was changed to Alfa-Laval AB in 1963. The Complainant is a world brand leader within the key technology areas of heat transfer, separation, and gas and fluid handling across many industries, including but not limited to the marine, environment, pharma, hygienic, food, and energy sectors.

The Complainant is the owner of more than 200 globally registered ALFA LAVAL trademarks (the “ALFA LAVAL Trademarks”) worldwide, including Swedish trademark No. 6089 (registered on December 13, 1897), United States trademark No. 0764251 (registered on February 4, 1964) and European Union trade mark No. 001918176 (registered on December 3, 2001). Thus, the Complainant has operated under the name Alfa Laval as a main trademark and/or company name for a considerable period of time.

The Complainant also owns multiple domain names incorporating the ALFA LAVAL Trademark. The Complainant uses the domain name <alfalaval.com> as its main online marketing portal. The ALFA LAVAL Trademark is also used for registering domain names under numerous other Top-Level Domains (“TLDs”), including <alfalaval.us>, <alfalaval.co.uk>, and <alfalaval.cn>.

The disputed domain name was registered on March 7, 2024. The disputed domain name resolves to an inactive website, and have been used for sending fraudulent emails.

#### **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 name. The Complainant’s contentions may be summarized as follows:

The Respondent has incorporated all of the nine letters of the Complainant’s ALFA LAVAL Trademark in the disputed domain name. The only difference is the disputed domain name has an added “i” between the letters “f” and “a”. The additional letter “i” is negligible and does not differentiate the disputed domain name from the Complainant’s ALFA LAVAL Trademark.

The Complainant has found no evidence of any bona fide offering of goods and services under the disputed domain name, or any sign of any legitimate or fair use of the ALFA LAVAL Trademark. The Complainant finds no evidence that the Respondent has created the disputed domain name with the intention to use it for a legitimate cause.

The fact that the Respondent is using the disputed domain name to defraud the Complainant’s customers undoubtedly indicates that the disputed domain name is being used in bad faith for, not only illegitimate, but also illegal purposes. The Respondent is using the disputed domain name almost identical to the ALFA LAVAL Trademark to fraud the Complainant’s customer through phishing activities, which shows that the disputed domain name was created in 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, the Complainant must assert and prove the following three elements are present:

- (i) the disputed domain name is identical or confusingly similar to 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 has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Complainant maintains the worldwide registrations of the ALFA LAVAL Trademarks. Thus, the Complainant has shown the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See section 1.2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

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. See section 1.7 of the [WIPO Overview 3.0](#).

The additional letter "l" to the word element in the ALFA LAVAL Trademark may be considered as an obvious or intentional misspelling of the Complainant's ALFA LAVAL Trademark, which does not prevent a finding of confusing similarity. The Panel finds the Complainant's ALFA LAVAL Trademark is recognizable within the disputed domain name. See section 1.9 of the [WIPO Overview 3.0](#); see also *Alfa Laval AB, Laval Corporate AB v. Caribbean Online International Ltd. (ALFALAVALL-COM-DOM)*, WIPO Case No. [D2007-1893](#) (<alfalavall.com>).

The generic TLD ".com" is viewed as a standard registration requirement and as such may be disregarded for the assessment of confusing similarity under the first element in paragraph 4(a) of the Policy. See section 1.11.1 of the [WIPO Overview 3.0](#).

Accordingly, the disputed domain name is confusingly similar to the ALFA LAVAL Trademark and then the Panel finds that the first element in paragraph 4(a) 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.

According to the evidence submitted by the Complainant, the Panel does not find that the Respondent was using or demonstrably preparing 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 before the filing of the Complaint. The Panel also does not find that the Respondent has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights.

In accordance with the Complainant's assertions, the Respondent must have infiltrated one of the Complainant's employees' email correspondences with one of the Complainant's customers through a business email compromise (BEC) attack. The evidence shows that the Respondent has used the name of the employee of the Complainant and the disputed domain name and sent a fraudulent email in the conversation between the Complainant's employee and customer. In the fraudulent email, the fraudster has used the disputed domain name, making it appear as if the employee of the Complainant, with whom the customer previously corresponded in the same email thread, is the sender. A false payment advice letter with false signatures informing the customer to pay the invoice to another bank account than the Complainant's account has been attached to the fraudulent email. As the Complainant asserts, none of the Complainant's employees has drafted and signed such letter, and the bank account referred to in the false payment advice letter does not belong to the Complainant.

The circumstance shows that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name but has an intention for commercial gain to misleadingly divert the Complainant's

consumers or to tarnish the Complainant's ALFA LAVAL Trademark. Panels have determined that the use of the disputed domain name for phishing activity can never confer rights or legitimate interests on the Respondent. See section 2.13.1 of the [WIPO Overview 3.0](#).

Although the overall burden of proof in UDRP proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element in paragraph 4(a) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

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.

As a result, the Panel finds that the second element in paragraph 4(a) of the Policy has been established.

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

Due to the Complainant's extensive and worldwide use and registration of the ALFA LAVAL Trademarks, the ALFA LAVAL Trademarks have acquired a well-known status in many countries around the world. Thus, the Respondent must have known the ALFA LAVAL Trademark at the time of the registration of the disputed domain name particularly considering that the Respondent has impersonated the Complainant for sending fraudulent emails to the Complainant's customer.

The Respondent has already been involved in the UDRP proceeding of a clear "typosquatting" case. See *Pinsent Masons LLP v. mark demad*, WIPO Case No. [D2023-1642](#) (<pinsentmasons.com>). Therefore, it can be assessed that the Respondent has engaged in a pattern of registration of the typosquatted domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, as set out in paragraph 4(b)(ii) of the Policy.

Although the website to which the disputed domain name resolves seems to be inactive, the fact that the Respondent has used the disputed domain name in connection with phishing and fraudulent activities constitutes bad faith. See section 3.4 of the [WIPO Overview 3.0](#). Having reviewed the available record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In conclusion, the Panel finds that the third element in paragraph 4(a) of the Policy has been established.

### **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 <alflalaval.com> be transferred to the Complainant.

*/Yuji Yamaguchi/*

**Yuji Yamaguchi**

Sole Panelist

Date: May 10, 2024