

## **ADMINISTRATIVE PANEL DECISION**

Alfa Laval Corporate AB v. James Adams  
Case No. D2024-3579

### **1. The Parties**

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

The Respondent is James Adams, United States of America (“United States”).

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

The disputed domain name <alfalaaval.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 September 4, 2024. On September 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 9, 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 September 11, 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 the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 7, 2024.

The Center appointed Dawn Osborne as the sole panelist in this matter on October 9, 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 is a significant operator within 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 business was established in 1883 under the company name “AB Separator”, which was changed to “Alfa-Laval AB” in 1963.

The Complainant filed its first trademark application for the mark ALFA LAVAL (device mark) in 1897 in Sweden and this trade mark remains registered in that country as trade mark registration no 6089 for dairy machinery and appliances since December 13, 1897. The Complainant now owns many trade mark registrations for the ALFA LAVAL mark across the world including trade mark registration number 764251 for the ALFA LAVAL word mark for milking machines, refrigerators and water heaters registered since February 4, 1964 in the United States where the Respondent is based. The Complainant owns the domain name <alfalaval.com>.

The disputed domain name registered on August 29, 2024, has been used for a phishing email scam using the name of one of the Complainant’s employees, the Complainant’s logo and its ALFA LAVAL mark spelled correctly. The disputed domain name was pointed to a site with links to third party web sites, but currently does not resolve to an active site.

#### **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.

Notably, the Complainant contends that:

The Complainant is the owner of the trade mark ALFA LAVAL (word mark), registered, inter alia, in the United States where the Respondent is based for milking machines, refrigerators and water heaters since 1964 with first use recorded as 1897.

The disputed domain name registered in 2024 is confusingly similar to the Complainant’s trade mark adding a single letter “a” and the generic Top-Level-Domain (“gTLD”) “.com” neither of which prevents said confusing similarity.

The Respondent does not have rights or a legitimate interest in the disputed domain name, is not commonly known by it and has not been authorised by the Complainant.

Respondent has used the disputed domain name for an email phishing scheme using the name of one of the Complainant’s employees, the Complainant’s logo and its ALFA LAVAL mark spelled correctly. The disputed domain name pointed to a holding page with third party web site links, but currently does not resolve to an active site.

##### **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 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 disputed domain name, a single letter "a" being added to form a close misspelling of the Complainant's mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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.

The Respondent is not commonly known by the disputed domain name as revealed by the Whois details for the disputed domain name, and is not authorised by the Complainant.

The disputed domain name has been used for a phishing email scheme using the name of one of the Complainant's employees and the Complainant's logo and mark spelled correctly. Panels have held that the use of a domain name for illegal activity, here phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The disputed domain name does not currently point to an active site, but was formerly pointed to a holding page with links to third party websites. The Panel notes that the disputed domain name appears to be a typosquatting registration merely misspelling the Complainant's trade mark ALFA LAVAL and the Complainant's domain name <alfalaval.com> by the addition of an extra letter "a" and holds that none of these additional factors confers rights or legitimate interests on the Respondent especially in the light of the fraudulent use considered above. [WIPO Overview 3.0](#), section 2.9.

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 for a fraudulent email scheme using the name of one of the Complainant's employees and the Complainant's logo and its mark correctly spelled.

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, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Panel also notes that the disputed domain name is a typosquatting registration which is a factor commonly held by panels to be bad faith per se. [WIPO Overview 3.0](#), section 3.1.3, 3.1.4 and 3.2.1. 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 <alfalaaval.com> be transferred to the Complainant.

*/Dawn Osborne/*

**Dawn Osborne**

Sole Panelist

Date: October 14, 2024