

ADMINISTRATIVE PANEL DECISION

Camfil AB v. Metodi Darzev
Case No. D2024-3703

1. The Parties

1.1 The Complainant is Camfil AB, Sweden, represented by Abion AB, Sweden (the “Complainant”).

1.2 The Respondent is Metodi Darzev, Bulgaria (the “Respondent”).

2. The Domain Name and Registrar

2.1 The disputed domain name <camfilfarrapc.com> (the “Disputed Domain Name”) is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 12, 2024. On September 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 12, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 amended Complaint on September 16, 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 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 9, 2024.

The Center appointed Ike Ehiribe as the sole panelist in this matter on October 19, 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

4.1 The Complainant is a corporation with its headquarters in Malmo, Sweden. The Complainant it is said specialises in the manufacture of premium clean air solutions. The Complainant also owns numerous trademark registrations in numerous jurisdictions. For instance:

- European Union trademark No. 013796487 for CAMFIL in classes 1,7,11, and 35, registered on July 20, 2015;
- International trademark No. 1575400 for CAMFIL in class 11, registered on September 21, 2020; and
- United Kingdom trademark No. UK00913796487 for CAMFIL in classes 1,7,11, and 35, registered on July 20, 2015.

4.2 The Respondent in these proceedings is said to be based in Sofia, Bulgaria. According to the Whois record, the Disputed Domain Name <camfilfarrapc.com> was registered with the Registrar Sav.com, LLC on December 14, 2021. The Disputed Domain Name resolves to a website copying the Complainant's former corporate website content at "www.camfil.com".

5. Parties' Contentions

A. Complainant

5.1 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 owns several trademark registrations for the CAMFIL trademark in numerous jurisdictions. Moreover, Complainant contends that the Disputed Domain Name incorporates entirely the Complainant's CAMFIL trademark and that the trademark is easily recognisable within the Disputed Domain Name. The only difference being the addition of the words "farr" and "apc" and the generic Top-Level Domain ("gTLD") ".com". It is submitted that the additional terms "farr" and "apc" are not sufficient to prevent a finding of confusing similarity. The Complainant contends that the addition of those words only causes additional confusion as the term "farr" is a product produced by the Complainant and "apc" is an abbreviation that the Complainant uses for the term "Air Pollution Control".

It is also submitted that the gTLD ".com" must be disregarded when conducting a confusing similarity test as the relevant comparison to be made when conducting a confusing similarity enquiry is with the Second-Level portion of the Disputed Domain Name which is "camfilfarrapc". The Complainant therefore asserts that the Disputed Domain Name is confusingly similar to the Complainant's trademarks.

5.2 The Complainant contends that the Respondent lacks rights or legitimate interests in the Disputed Domain Name following paragraph 4(a)(ii) of the Policy and section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). The Complainant further submits that the Respondent is not licensed or authorised by the Complainant to use its trademarks and that the Respondent is not affiliated with the Complainant nor has the Complainant endorsed or sponsored the Respondent or the Respondent's website. There is also no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name or owns any registered trademark, including for the term "camfilfarrapc.com".

The Complainant contends that the Disputed Domain Name is a copycat version of the Complainant's former official website and the Disputed Domain Name is alleged to be engaged in the sale of products identical to those offered by the Complainant. Thus, it is submitted that the Respondent is merely seeking to exploit the Complainant's trademark in order to create a commercial gain for itself on the internet.

5.3 On the question of bad faith registration and use, the Complainant submits that the Respondent's registration of the Disputed Domain Name on December 14, 2021 postdates the Complainant's registration of its numerous trademarks. Therefore, the Respondent must have registered the Disputed Domain Name with the clear intention to take advantage of the reputation of the Complainant's trademarks and goodwill. The Complainant asserts that had the Respondent conducted a very simple online search, regarding the term "Camfil" the Respondent would have learnt of the Complainant, its trademarks, and business.

The Complainant further submits that the fact that the Disputed Domain Name incorporates, in its entirety, the trademark CAMFIL without displaying a disclaimer of [lack of] affiliation with the Complainant's official website, the Disputed Domain Name and its content may mislead potential consumers by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation. See *Ok! Data Americas Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Finally, it is submitted that the Respondent has been the subject of numerous domain dispute procedures which suggests that the Respondent on several other occasions has registered trademark abusive domain names directed at other brand owners.

B. Respondent

5.4 The Respondent did not reply to the Complainant's contentions and therefore the Panel shall draw such adverse inferences from the Respondent's failure to respond as may be deemed appropriate.

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 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.

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 entirety of the mark is reproduced within the Disputed Domain Name. The Panel also finds the mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although, the addition of other terms, here, "farr" and "apc", may bear on the 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 Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

6.2 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 case 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 illegitimate activity such as, impersonation/passing off, or other types of fraud 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

6.3 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 this case, the Panel observes that the Respondent created the Disputed Domain Name on a date that well postdates the registration of the Complainant’s trademarks. The Disputed Domain Name not only includes the entirety of the Complainant’s CAMFIL trademark but also includes the term “farr” referring to the Complainant’s product name, and the abbreviation “apc” related to the Complainant’s product type. Further, the Disputed Domain Name resolves to a website copying the formal content from the Complainant’s official website. Therefore, the Panel finds that the Respondent was aware of the Complainant and its trademarks when registering the Disputed Domain Name, and intentionally set out to exploit the reputation of the Complainant’s trademarks for commercial gain.

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 illegitimate activity such as, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel also observes that the Respondent has, on several other occasions, registered trademark abusive domain names directed at other brand owners that amounts to a pattern of bad faith conduct.

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 <camfilfarrapc.com> be transferred to the Complainant.

/Ike Ehiribe/

Ike Ehiribe

Sole Panelist

Date: November 18, 2024