

ADMINISTRATIVE PANEL DECISION

Alimak Group Management AB v. Briggy Anderson
Case No. D2024-3979

1. The Parties

The Complainant is Alimak Group Management AB, Sweden, represented by Abion AB, Sweden.

The Respondent is Briggy Anderson, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <alimqkgroup.com> is registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 27, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 30, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 1, 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 October 3, 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 October 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 25, 2024.

The Center appointed Francisco Castillo-Chacón as the sole panelist in this matter on October 30, 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

Complainant (Alimak Group) is a global provider of sustainable vertical access and working at height solutions. Complainant has presence in more than 120 countries. It develops, manufactures, sells, and services vertical access and working at height solutions. Complainant was founded in 1948 in Sweden, and is headquartered in Stockholm. Complainant has 24 production and assembly facilities distributed over 15 countries around the world and employs approximately 3,000 people around the world.

According to the documents on file, Complainant owns several trademark registrations in numerous jurisdictions all over the world. These trademark registrations predate the registration of the disputed domain name, which was registered on March 31, 2024, and include: International trademark ALIMAK Reg. No. 1125691, Registration Date February 13, 2012; International trademark ALIMAK Reg. No. 1617867, Registration Date December 12, 2019; United States of America (“US”) trademark ALIMAK Reg No. 1673194, Registration Date January 28, 1992; US trademark ALIMAK Reg. No. 2898540, Registration Date November 2, 2004.

The Complainant also owns numerous domain names, including <alimak.com> and <alimakgroup.com>, which predate the disputed domain name. Complainant’s domain names date back to April 1996 and March 2015. The Complainant uses these domain names for their official websites.

5. Parties’ Contentions

A. Complainant

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

Notably, the Complainant contends that the mark ALIMAK is well known in its industry. The Complainant further contends that the trademark has a of long and extensive use, and that it is a key player in its industry.

In addition, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name since the Complainant has no relationship with the Respondent and the latter is not commonly known by the disputed domain name. The Respondent certainly had knowledge of the internationally famous ALIMAK mark when the disputed domain name was registered given the distinctiveness and international reputation of the ALIMAK mark. This is evidenced by the Respondent’s phishing scheme by which the Respondent is luring people to send payments pretending these requests are coming from the Complainant, this in addition to the pay per click scheme used on the disputed domain name. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor making any legitimate noncommercial or fair use of it.

The Complainant states that the disputed domain name was registered and used in bad faith given that: (a) the Respondent was aware of the ALIMAK mark; and (b) the Respondent has used the disputed domain name in a phishing scheme trying to defraud people pretending to be one of the Complainant’s employees and also trying to divert Complainant’s customers using a pay per click scheme which sent visitors to competing brands.

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.

To prove this element the Complainant must have trademark rights, and the disputed domain name must be identical or confusingly similar to the Complainant's trademark or service mark.

The Complainant is the owner of the mark ALIMAK, the Complainant has international registrations for the trademark ALIMAK. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name is an obvious misspelling of the Complainant's trademark ALIMAK, the Respondent exchanged the second letter "a" for the letter "q" in the trademark ALIMAK. The disputed domain name also adds the term "group" to the misspelled trademark.

These minor changes do not prevent the disputed domain name from being confusingly similar to the Complainant's trademark.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's ALIMAK mark. [WIPO Overview 3.0](#), sections 1.8 and 1.9.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term "group" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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

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 clearly composed the disputed domain name with the intention to mislead given that it is a typosquatting variation of the Complainant's domain name <alimakgroup.com> and was used for purposes of a fraudulent email scheme.

Panels have held that the use of a domain name for illegal activity, such as the phishing scheme described and evidenced by the Complainant and the Respondent's intention to pass off as the Complainant, 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.

(i) circumstances indicating that the Respondent has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of the Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain name; or

(ii) the Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding disputed domain name, provided that the Respondent has engaged in a pattern of such conduct; or

(iii) the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The Panel finds that it is likely that the Respondent was aware of the Complainant and its reputation in the ALIMAK mark at the time the disputed domain name was registered. The Complainant is one of the largest companies in its field with worldwide operations.

The word "alimak" is a coined word that has no meaning other than by reference to the Complainant. Furthermore, the fact that the Respondent was pretending to be one of the Complainant's employees would suggest that the disputed domain name was registered with the intent to confuse Internet users and recipients of communications originating from the disputed domain name, taking advantage of the confusing similarity between the disputed domain name and the Complainant's mark. These factors clearly indicate that the Respondent was aware of the Complainant at the time the disputed domain name was registered. The registration of the disputed domain name in awareness of the Complainant's ALIMAK mark and in the absence of rights or legitimate interests amounts to registration in bad faith.

The disputed domain name has been registered and is being used in bad faith. Namely, the Respondent's configuration of email function on the disputed domain name to run a phishing scheme to defraud people. In the Panel's view, this is evidence that the disputed domain name was registered primarily for the purpose of defrauding people, for commercial gain, by creating a false association with the Complainant.

Panels have held that the use of a domain name for illegal activity, such as phishing and or impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 <alimqkgroup.com> be transferred to the Complainant.

/Francisco Castillo-Chacón/
Francisco Castillo-Chacón
Sole Panelist
Date: November 13, 2024