

ADMINISTRATIVE PANEL DECISION

Alimak Group Management AB v. Name Redacted
Case No. D2024-4169

1. The Parties

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

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <alimakgrp.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 10, 2024. On October 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 25, 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 29, 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

¹The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2024.

The Center appointed Taras Kyslyy as the sole panelist in this matter on December 3, 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 provider of sustainable vertical access and working at height solutions, listed on Nasdaq Stockholm. With presence in more than 120 countries, including the United States of America, the Group develops, manufactures, sells and services vertical access and working at height solutions. Founded in Sweden in 1948, the Complainant has its headquarters in Stockholm, 24 production and assembly facilities in 15 countries and approximately 3,000 employees around the world.

The Complainant is the owner of several trademark registrations for its ALIMAK mark in numerous jurisdictions all over the worldwide, including for instance International registration No. 1125691, registered on February 13, 2012.

The Complainant submits that it owns numerous domain names, including <alimakgroup.com> (created on March 26, 2015) and <alimak.com> (created on April 3, 1996). The Complainant uses these domain names to resolve to its official websites through which it informs Internet users and potential consumers about its related products and services. The Complainant has a strong presence also on social media.

The disputed domain name was registered on September 28, 2023, and resolved to a pay-per-click (“PPC”) page displaying various sponsored links to third parties’ websites competing with the Complainant’s products and services. At the time of this decision the disputed domain name resolves to an inactive webpage. The Complainant attempted to reach the Respondent with a warning letter, however no reaction followed.

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 disputed domain name is identical or confusingly similar to the Complainant’s trademark. The disputed domain name incorporates the Complainant’s trademark followed by the relevant term “grp”, which is a common abbreviation/shortened version of the term “group”. The Complainant’s trademark is clearly recognizable in the disputed domain name. The additional term “grp” does not help to overcome the confusing similarity, as the most dominant and distinctive part of the disputed domain name is identical to the Complainant’s trademark. The Complainant’s company name is also Alimak Group Management AB or Alimak Group AB, and it owns and uses the domain name <alimakgroup.com> as its main corporate website. Therefore, the term “grp” directly refers to the Complainant and its company name. The presence of the generic Top-Level Domain (“gTLD”) extension “.com” in the disputed domain name is a standard registration requirement and may be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant’s trademark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never granted the Respondent with any rights to use the Complainant's trademark in any form, including in the disputed domain name. The Complainant has not found that the Respondent is known by the disputed domain name. When searching for the disputed domain name terms "alimakgrp" and "alimak grp" in the Google search engine, the top returned results lead to the Complainant's products, and the search engine shows a suggested search for the Complainant. A search with the name of the Respondent shows that the Respondent is impersonating an employee of a subsidiary of the Complainant. However, despite impersonating an employee of a German subsidiary of the Complainant, the Respondent has provided a United States phone number and United States address for its Whois details. Furthermore, the email address provided by the Respondent also does not correspond to the official email addresses of the Complainant and its subsidiaries. This shows that the Respondent knew that the trademark is owned by the Complainant and that the Complainant has been using the trademark for its business activities. No trademarks featuring the disputed domain name are registered in the name of the Respondent. The structure of the disputed domain name – incorporating the Complainant's trademark, followed by the relevant term "grp", and the gTLD ".com" – reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant, its company name, trademark, and official website in Internet users' mind. By reading the disputed domain name, Internet users may be falsely led to believe that the disputed domain name is directly connected or authorized by the Complainant's website and that it will resolve to its official websites, which is not the case. The PPC page associated to the disputed domain name displayed sponsored links, related to the Complainant's products and services. Upon clicking these links, Internet users are invited to visit other related websites. PPC pages generate revenues when Internet users click on the links displayed therein. The Respondent likely obtained a financial benefit when Internet users clicked on the aforementioned links. Such use of the disputed domain name aims at attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the sources, sponsorship, affiliation, or endorsement of the aforementioned PPC page. Currently, the disputed domain name is being passively held. There is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services or has made a legitimate noncommercial or fair use of the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant has a strong presence online. It is very active online via its official website and on social media (for instance LinkedIn and Instagram) to promote its mark, products and services. By conducting a simple search on popular search engines regarding the terms "alimakgrp" and "alimak grp", all top returned results related to the Complainant and the search engine shows a suggested search for the "Alimak Group". In addition, the Respondent is impersonating an employee of a subsidiary of the Complainant. Therefore, the Respondent knows about the Complainant, its trademark and business. The structure of the disputed domain name shows that the Respondent registered it having the Complainant, its company name and trademark in mind. It reflects the Respondent's clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant's trademark in Internet users' mind. The Respondent registered the disputed domain name to take advantage of the Complainant's trademark. The structure of the disputed domain name in and of itself – incorporating the Complainant's trademark, followed by the relevant term "grp", being a shortened version of the term "group" - reflects the Respondent's intention to create an association, and a subsequent confusion, with the Complainant, its company name and its trademark in Internet users' mind, as by reading the disputed domain name, Internet users may believe that it is directly connected to or authorized by the Complainant. The disputed domain name resolved to a PPC page displaying various sponsored links. Later the disputed domain name started to resolve to an inactive webpage. The PPC page associated to the disputed domain name displayed sponsored links related to the Complainant's products and services. Upon clicking these links, Internet users are invited to visit other related websites. PPC pages generate revenues when Internet users click on the links displayed therein. The Respondent likely obtained a financial benefit when Internet users clicked on the aforementioned links. Such use of the disputed domain name aims at attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the sources, sponsorship, affiliation, or endorsement of the aforementioned PPC page.

Also, several factual considerations are clear indicators of bad faith use under the passive holding doctrine: the disputed domain name is structured to create subsequent confusion with the Complainant, its company name, and its trademark; the Respondent is falsely impersonating an employee of a subsidiary of the Complainant; there is therefore no evidence of any actual or contemplated good-faith use of the disputed domain name; no response to the warning letter followed; the Respondent is trying to conceal its identity. The Respondent appears to be engaged in pattern of abusive domain name registrations. The Respondent has likely provided false Whois details.

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 entirety of the mark is reproduced 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 terms here, "grp", 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 applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLD ".com" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 available evidence does not confirm that the Respondent is commonly known by the disputed domain name (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)). Rather, the Respondent has impersonated an employee of one of the Complainant's subsidiary companies.

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated bona fide or legitimate use of the disputed domain name could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The use of a domain name to host a parked page comprising pay-per-click links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. The Panel finds this applies to the present case. [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 registered the disputed domain name featuring the Complainant's known trademark, used it for a website with PPC links leading to competing products/services and fraudulently used the Complainant's employee's name for the registration details, as well as its subsidiary company name. The Panel finds this confirms the Respondent was well aware of the Complainant and its business and specifically targeted the Complainant's trademark when registering and further using the disputed domain name, which is bad faith. [WIPO Overview 3.0](#), section 3.2.2.

According to paragraph 4(b)(iv) of the Policy the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location. Using the disputed domain name to host a PPC parking page the Respondent creates a likelihood of confusion with the Complainant's trademark and potentially obtains revenue from this practice. Under such circumstances the Panel finds that the disputed domain name is being used in bad faith.

Although at the time of this decision the disputed domain name resolves to inactive webpage, the Panel notes the distinctiveness of the Complainant's trademark, the composition of the disputed domain name, and the false registration details of the disputed domain name. Thus, the current passive holding of the disputed domain name does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

Moreover, the Respondent failed to respond to the Complainant's warning letter, and did not provide any good reason to justify this, which confirms the bad faith in these circumstances (see, e.g., *Compagnie Generale des Etablissements Michelin v. Vaclav Novotny*, WIPO Case No. [D2009-1022](#)).

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 <alimakgrp.com> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: December 11, 2024