

ADMINISTRATIVE PANEL DECISION

AB Svenska Industri Instrument SINI v. Name Redacted Case No. D2024-5124

1. The Parties

The Complainant is AB Svenska Industri Instrument SINI, Sweden, represented by Morris Law, Sweden.

The Respondents are Name Redacted.¹

2. The Domain Names and Registrar

The disputed domain names <sinii-se.com> and <sini-se.com> are registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2024. On December 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (*REDACTED FOR PRIVACY*) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 17, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on December 27, 2024.

¹The Respondents appears to have used the names of third parties when registering the disputed domain names. In light of the potential identity theft, the Panel has redacted the Respondents’ names 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 names, which includes the names of the Respondents. 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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](#).

The Center verified that the Complaint together with the amendment to the 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 Respondents of the Complaint, and the proceedings commenced on January 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on January 28, 2025.

The Center appointed Peter Burgstaller as the sole panelist in this matter on February 3, 2025. 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 Swedish based company which provides goods and services under the mark SINI inter alia scientific, nautical and geodetic apparatus and instruments; manometer; thermometer; weighting measuring, life-saving apparatus and instruments; speaking machines; cash registers; calculating machines.

The Complainant owns a Swedish trademark registration for SINI (word), Reg. No 123024, registered on April 5, 1968 (Annex 5 to the Complaint) and provides its main business website under the domain name <sini.se> (Annex 4 to the Complaint).

Furthermore, the mark SINI is part of the Complainant's registered company name and is the abbreviation of “Swedish Industry Instrument”.

The disputed domain name <sinii-se.com> was registered on October 9, 2024; the disputed domain name <sini.se.com> was registered on September 23, 2024 (Annex 1 to the Complaint).

At the time of filing the Complaint the disputed domain names were used as email-address e.g. “...@sinii-se.com” (Annex 6 to the Complaint) as well as “...@sini-se.com”, together with names of existing individuals of employees of the Complainant (Annex 7 to the Complaint).

Furthermore, in the email-signatures of the disputed domain names the Complainant’s logo was used.

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 names.

Notably, the Complainant contends that the disputed domain names were confusingly similar to the distinctive SINI mark in which the Complainant has rights since only the suffix “-se” and the TLD “.com” were added and regarding the disputed domain name <sinii-se.com> another “i” was added to the SINI mark. These descriptive terms as well as the additional misspelling of the mark SINI in the disputed domain name <sinii-se.com> cannot eliminate the confusing similarity towards the Complainant’s SINI mark.

Furthermore, the Complainant notes that the Respondents do not have any rights or legitimate interests in the disputed domain names. The Respondents are not linked to the Complainant in any way whatsoever and have never been authorized by the Complainant to register domain names that are similar to its

trademark. The Respondents are moreover not commonly known by or associated with the disputed domain names and do not use them for any bona fide offering of goods or services – it is to the contrary: It rather appears that the disputed domain names have only been registered by the Respondents to exploit the Complainant's brand reputation and mislead or divert the Complainant's customers.

Finally, the Complainant alleges that the disputed domain names were registered and used by the Respondents only with the primary intention of impersonating its business and exploiting its rights in the mark SINI by using the disputed domain names as email-addresses and using the Complainant's logo. In doing so the Respondents deliberately foster confusion when emailing the Complainant's customers and leading them to believe they are interacting with the Complainant and to intentionally induce the Complainant's customers to make payments. Such actions are not only unfair but clearly deceptively.

B. Respondents

The Respondents did not reply to the Complainant's contentions.

6. Preliminary Procedural Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- the disputed domain names were registered within seventeen days and the underlying registrant details for the disputed domain names mention the same country, the same city, the same postal Code and the same street address.
- the Registrar is for all disputed domain names Tucows Inc;
- the disputed domain names have a very similar naming pattern: the Complainant's registered trademark SINI plus "se" and the gTLDs ".com";
- the disputed domain names target the Complainant in a very similar manner by using the disputed domain names as email-address to mislead customers;
- the Respondents use names of existing employees of the Complainant in the email-address; and
- the Respondents did not react in any way – the Respondents neither rejected the consolidation request nor filed any Response.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

7. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names are 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 with respect to the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

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 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the mark SINI for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

In the present case, the disputed domain names are confusingly similar to the SINI mark in which the Complainant has rights since they incorporate the entirety of the mark SINI and only add the ISO country code of Sweden ("-se") and with regard to the disputed domain name <sinii-se.com> an "i" after the mark SINI.

It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain names, the mere addition of other terms does not prevent a finding of confusing similarity under the first element of the Policy ([WIPO Overview 3.0](#), section 1.8). This is the case at present – the SINI trademark clearly remains recognizable in each of the disputed domain names.

Finally, it has also long been held that TLDs (in this case ".com") are generally disregarded when evaluating the confusing similarity of a disputed domain name. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, since it has never assigned, granted, licensed, sold, transferred, or in any way authorized the Respondent to register or use the SINI mark in any manner.

Furthermore, the nature of the disputed domain names, comprising the Complainant's mark SINI (and with regard to the disputed domain name <sinii-se.com> together with an obvious and intentional misspelling of the Complainant's trademark) and the ISO country code for Sweden ("-se") as suffix, along with their use as

email address, impersonating employees of the Complainant and misleading customers of the Complainant and inducing them to act, cannot be considered fair [WIPO Overview 3.0](#) section 2.5.

The Respondent did not reply and hence has not rebutted the Complainant's contentions.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g. *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain names were registered by the Respondent in bad faith, and
- the disputed domain names are being used by the Respondent in bad faith.

(i) In the present case, the Complainant has rights and is the owner of the registered trademark SINI, which is registered and used long before the registration of the disputed domain names. Moreover, the Complainant registered and is using the domain name <sini.se> to address its company website.

It is inconceivable for this Panel that the Respondent registered or has used the disputed domain names without knowledge of the Complainant and/or its rights in the mark SINI, which leads to the necessary inference of bad faith. This finding is supported by the fact that the disputed domain names incorporate the Complainant's trademark SINI together with the ISO country code for Sweden ("-se") where the Complainant has its place of business and carries out its main business.

Further, it is well-settled case law that the practice of typosquatting (regarding the disputed domain name <sinii-se.com> may in itself be evidence of a bad faith registration of a domain name (see, e.g., *Longs Drug Stores California, Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#); *Compagnie Générale des Etablissements Michelin v. Super Privacy Service LTD c/o Dynadot / Reed Mueller*, WIPO Case No. [D2021-1771](#); *Philip Morris Products S.A. v. Rohan Mubbashir Khan*, WIPO Case No. [D2022-4582](#); *Sopra Steria Group v. Sopra Steria, soprasteria*, WIPO Case No. [D2023-2397](#)).

Therefore, the Panel is convinced that the disputed domain names were registered in bad faith by the Respondent.

(ii) The Complainant has put forward evidence that the disputed domain names were used by the Respondent to send emails to customers of the Complainant, impersonating employees of the Complainant and demanding them to act. This clearly constitutes bad faith by willful mislead and intentional deceive Internet users (in the present case especially customers of the Complainant) by pretending a false identity in order to gain financial advantage and thus an intentional attempt to commit fraud. This fraudulent and deceptive scheme clearly represents bad faith use of the disputed domain names under the Policy.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent has failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain names clearly prove, that the disputed domain names were used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, 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 names <sinii-se.com> and <sini-se.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: February 8, 2025