

ADMINISTRATIVE PANEL DECISION

Ludvig Svensson AB v. RONGKAI

Case No. DCO2024-0053

1. The Parties

The Complainant is Ludvig Svensson AB, Sweden, represented by Valea AB, Sweden.

The Respondent is RONGKAI, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 2, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 August 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 amendment to the Complaint on August 13, 2024.

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 Respondent of the Complaint, and the proceedings commenced on August 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2024.

The Center appointed Ana María Pacón as the sole panelist in this matter on September 24, 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 Swedish textile company founded by Ludvig Svensson in 1887, is owned by Ludvigson Invest AB and it has remained a family-owned business, now managed by the 4th Ludvigson generation. Initially focusing on home textiles, such as curtains, the Complainant expanded its product line over time, incorporating new materials like polyester and acrylic fiber. In the 1970s, the company shifted its focus to innovative textiles for greenhouses, providing shade and energy-saving solutions. Today, it operates globally, with sales in over 130 countries and subsidiaries in the Netherlands (Kingdom of the), the United States of America, Mexico, China, and Republic of Korea. In addition to greenhouse textiles, the Complainant produces climate screens, insect control nets, and various climate, light, and sound solutions. It is one of the global leaders in transport infrastructure, offering a wide range of mobility solutions such as high-speed trains, metros, monorails, and digital mobility systems, employing over 80,000 professionals in more than 63 countries.

Relevant to these proceedings, the Complainant and its affiliated companies have registered the trademark SVENSSON worldwide, including:

- International Registration No. 695554 for SVENSSON, registered on May 6, 1998, for products in classes 6, 17, 19, 22, and 24, designating Australia, China, Mexico, Norway, Russian Federation and Switzerland;
- International Registration No. 1259668 for SVENSSON, registered on July 3, 2015, for products in class 20, designating Australia, China, Norway, Republic of Korea, Russian Federation, Switzerland and Türkiye; and
- European Union Trademark Registration No. 014287528 for SVENSSON, registered on October 19, 2015, for products in class 20.

The Complainant and its affiliated companies are also the registrant of numerous domain names under various generic and country code Top-Level Domains (“TLD”) that comprise its SVENSSON trademark, such as:

- <ludvigsvensson.com> registered since May 16, 1997;
- <ludvigsvensson.org> registered on November 5, 1999;
- <ludvigsvensson.net> registered on November 5, 1999;
- <ludvigsvensson.se> registered on November 6, 1996; and
- <ludvigsvensson.eu> registered on August 14, 2006.

The Domain Name was registered on July 25, 2024. The Domain Name resolves to a dan.com parked website offering the Domain Name for sale.

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 Domain Name.

Notably, the Complainant argues that the Domain Name incorporates the Complainant’s SVENSSON trademark in its entirety, making the trademark clearly recognizable within the Domain Name. According to several UDRP panels, when a domain name wholly includes the entirety of a trademark, it is typically considered confusingly similar.

Furthermore, the Complainant contends that the Respondent lacks any rights or legitimate interests in the Domain Name. The Respondent was not commonly known by the Domain Name prior to the Complainant’s adoption and use of the trademark. Moreover, the Respondent has no any affiliation, association, sponsorship, or connection with the Complainant, and has not been authorized, licensed, or otherwise permitted by the Complainant or any of its subsidiaries or affiliates to register or use the Domain Name.

Under paragraph 4(a)(iii), the Complainant contends that the Respondent registered and is using the Domain Name in bad faith. Given the distinctiveness of the SVENSSON mark, the Respondent must have been aware of its existence when registered the Domain Name. In addition, the Domain Name resolves to a dan.com parked website offering the Domain Name for sale. According to the Complainant, past UDRP panels have found bad faith in similar circumstances.

The Complainant requests the transfer of the Domain Name.

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 Domain Name. Accordingly, the 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, such as "ludvig", may be relevant to the assessment of the second and third elements, the Panel finds that the inclusion of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Then there is the addition of the ccTLD here ".co". As is generally accepted, the addition of a TLD such as ".co" is merely a technical registration requirement and as such is typically disregarded under the first element 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 present record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

The fact that the Domain Name resolves to a page where it is offered for sale cannot be considered a bona fide offering of goods or services or a legitimate noncommercial or fair use of the Domain Name, particularly where the trademark is fully incorporated in the Domain Name along with an additional term within the trademark owner's field of commerce. See *Heaven Hill Distilleries, Inc. v. Super Privacy Service LTD c/o Dynadot / domain admin*, WIPO Case No. [D2021-0812](#); *Hertz System, Inc. v. Super Privacy Service LTD c/o Dynadot /domain Admin*, WIPO Case No. [D2021-3419](#).

Moreover, the nature of the Domain Name carries a risk of implied affiliation as it wholly incorporates the Complainant's trademark. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that the Complainant has substantiated the fact that its trademark SVENSSON, which has been registered and being used, now benefits from public awareness worldwide.

A number of UDRP panels have arrived at a finding that registering a domain name with knowledge of another company's rights in a domain name, and with intention to divert traffic, may serve as evidence of bad faith registration (see *Digital Spy Limited v. Moniker Privacy Services and Express Corporation*, WIPO Case No. [D2007-0160](#); *PepsiCo, Inc. v. "null", aka Alexander Zhavoronkov*, WIPO Case No. [D2002-0562](#); and *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#)). This Panel finds it implausible that the registration of the Domain Name took place in good faith, particularly in light of the fact that the Complainant owns and uses the nearly identical domain name <ludvigsvensson.com> from which the Domain Name differs only from the TLD.

Based on the evidence, the Panel concludes that the Respondent was aware of the SVENSSON trademark when it registered the Domain Name.

Furthermore, the Domain Name, which contains the Complainant's distinctive SVENSSON trademark, has been offered for sale for profit for USD 1,450, a sum which may exceed the out-of-pocket registration costs. The offering for sale of a domain name containing a trademark for more than registration costs is commonly held by panels to be registration and use in bad faith under the paragraph 4(b)(i) of the Policy. See *Heaven Hill Distilleries, Inc. v. Super Privacy Service LTD c/o Dynadot / domain admin*, WIPO Case No. [D2021-0812](#).

Additionally, the absence of a reply from the Respondent further suggests bad faith.

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 Domain Name <ludvigsvensson.co> be transferred to the Complainant.

/Ana María Pacón/

Ana María Pacón

Sole Panelist

Date: October 8, 2024