

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Guna Wan, jasa, Algian Gemilang, and Japen Haraphap
Case No. D2024-0708

1. The Parties

The Complainant is AB Electrolux, Sweden, represented by SILKA AB, Sweden.

The Respondents are Guna Wan, jasa, Algian Gemilang, and Japen Haraphap, Indonesia.

2. The Domain Names and Registrars

The disputed domain names <electroluxidservis.com> and <homeservis-electroluxid.com> are registered with Hostinger Operations, UAB (“Registrar 1”). The disputed domain name <electroluxind-service.com> is registered with Key-Systems GmbH (“Registrar 2”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 15, 2024. On February 16, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On February 19, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (On behalf of electroluxind-service.com OWNER c/o whoisproxy.com, and Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on February 20, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) 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 of the disputed domain names are under common control. The Complainant filed amendments to the Complaint on February 20, and February 22, 2024.

The Center verified that the Complaint together with the amendments 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 February 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 18, 2024.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on April 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

The Complainant is a Swedish joint stock company headquartered in Stockholm, Sweden, the successor to a company founded in 1901. It is one of the world's leading producers of appliances and equipment for the kitchen, cleaning products, and floor care products. The company sells approximately 60 million household products and appliances in approximately 120 markets every year, including Indonesia where the Respondents are located. In 2021, the Complainant had around 52,000 employees, and its sales amounted to over USD 11.5 billion. The Complainant has operated a website at "www.electrolux.com" since 1996, which has versions for local markets and languages including an Indonesian version at "www.electrolux.co.id". The Complainant's websites also link social media pages with large followings (5.1 million followers on Facebook, for example).

The Complainant holds numerous trademark registrations for the ELECTROLUX and derivative marks in more than 150 countries, including Indonesia. These include International Trademark Numbers 828253 (registered on November 18, 2003) and 836605 (registered on March 17, 2004) for multiple jurisdictions in International Classes 3, 7, 8, 9, 11, 12, 21, 25, 35, 37, and 39.

The Complainant has prevailed in literally hundreds of UDRP proceedings (listed in an annex to the record here) where panels have acknowledged that the ELECTROLUX mark is globally recognized.

According to the respective Registrars, these are the relevant registration details for the disputed domain names:

Disputed Domain Name and Registrar	Registration Date	Registrant Name	Registrant Organization	Location and Contact
<electroluxidservis.com> (Registrar 1)	July 7, 2023	Guna Wan	jasa	Jakarta, Indonesia; Gmail contact email address
<homeservis-electroluxid.com> (Registrar 1)	August 4, 2023	Japen Haraphap (originally registered in the name of a domain privacy service)	"not applicable"	Jakarta, Indonesia; Gmail contact address
<electroluxind-service.com> (Registrar 2)	August 14, 2023	Algian Gemilang (originally registered in the name of a domain privacy service)	none	Jakarta, Indonesia; Gmail contact address

The Respondents Guna Wan, Japen Haraphap, and Algian Gemilang appear to be individuals residing in Jakarta, Indonesia. The organization “jasa” is not further identified (“jasa” is simply Indonesian for “service”). They did not respond to correspondence from the Complainant (including a cease-and-desist letter) or from the Center, and they are not identified on sites associated with the disputed domain names.

As shown in screenshots attached to the Complaint, all three of the disputed domain names resolved to similar Indonesian-language websites (the “Respondents’ websites”) advertising appliance repair services in the Jakarta, Indonesia area. (The disputed domain names <electroluxidservis.com> and <homeservis-electroluxid.com> no longer resolve to active websites at the time of this Decision.) The Complainant demonstrates that these websites used the same Host and nameservers, and the sites were structured similarly in style, headings, and content, offering the same range of appliance repair services but in three different sections of the Jakarta region. Although the ELECTROLUX mark is mentioned in each of the disputed domain names, the content of the websites does not limit the repair services to ELECTROLUX products but refers (translated) to “your household electronics”, “various types of equipment such as stoves, dispensers, washing machines, cooker hoods, ovens, microwaves, refrigerators and freezers”, “dryer”, “water heaters” and affirms broadly that “we serve various devices in your home”. The Respondents’ websites include a web contact form and other contact details, but they do not actually identify the legal entity operating the sites and providing the advertised repair services, nor do they indicate their relationship, if any, with the Complainant.

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 all three of the disputed domain names are confusingly similar to its well-established ELECTROLUX mark, which the Respondents (who appear to be acting in coordination) have no permission to use. The Complainant asserts that the Respondents have no rights or legitimate interests in the disputed domain names: even if they claimed a right to legitimate fair use as repairers of ELECTROLUX products, they would fail the well-accepted *Oki Data* test for such nominative fair use, as it is not established that the Respondents actually offer repair services for ELECTROLUX products or that they limit their services to such products, and the Respondents do not accurately disclose their relationship with the trademark owner. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The Complainant cites the “popularity” of its ELECTROLUX mark from its advertisement and promotion, news coverage, social media pages, domain names, and Google search results, as well as its specific use in Indonesia, arguing from these facts that the Respondents had actual notice of the distinctive mark and therefore likely chose the disputed domain names “in a bid to mislead the Complainant’s customers”. The Respondents’ websites create a false impression of association with the Complainant and promote competing repair services, an example of “opportunistic bad faith”. The Respondents’ active MX records for the disputed domain names allow them to be used for email, which means that they can also be used in “fraudulent email or phishing campaigns”.

B. Respondents

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) and the respondent has no rights or legitimate interests in respect of the domain name;
- (iii) and the domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants for the three disputed domain names. 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 names were registered in July and August 2023 within weeks of each other and point to the same Host with the same nameservers. The disputed domain names all resolved to websites (two no longer active at the time of this Decision) with similar structure, headings, and content, purporting to offer repair services concerning electronic and household products and appliances in three parts of the same geographical region, Jakarta, Indonesia. All three Respondents reported their Whois details similarly, using Gmail addresses with the city name in the Gmail address, for example. These similarities are unlikely to be coincidental and suggest common identity or shared control.

The Respondents did not reply to the Complaint or comment on the Complainant’s request for consolidation.

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.

The Panel agrees that the similarities in the registration and use of the disputed domain names are unlikely to be coincidental. The facts cited above indicate a common identity or common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party, and the Respondents have not come forward to suggest otherwise.

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

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.

The Complainant has shown rights in respect of a trademark or service mark (here, the registered ELECTROLUX mark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ELECTROLUX mark is reproduced within all three of the disputed domain names. Accordingly, the disputed domain names are 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, “servis” [Indonesian for “service”] and “service”, “homeservis”, “id” and “ind” [often abbreviations for the country Indonesia]) may bear on 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 names 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 Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have 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 names such as those enumerated in the Policy or otherwise. The Respondents’ websites purported to offer repair services for electronic and household products, but they do not meet well-established criteria for avoiding confusion as to source or affiliation and making legitimate, nominative fair use of the Complainant’s mark. There is no evidence in the record that the Respondents actually repair the Complainant’s trademarked products, and the Respondents’ websites refer generally to products and services that do not appear to be limited to the Complainant’s trademarked goods. Moreover, the Respondents’ websites do not disclose the relationship, if any, with the Complainant. They do not identify the legal entity that operates the websites or furnishes the advertised services, thus contributing to the likelihood of confusion as to source or affiliation and risking both dilution and tarnishment of the Complainant’s mark, on the one hand, and misleading consumers, on the other hand, as to the source and quality of parts and the availability of warranty service and other after-sales support. Accordingly, the Panel concludes that the Respondents have no evident rights or legitimate interests in the disputed domain names.

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

C. Registered and Used in Bad Faith

As noted above, many other WIPO panels have recognized that the Complainant’s distinctive ELECTROLUX mark, which is an invented name and not a dictionary word or phrase, is globally well-known as a consumer brand. The record shows that the mark is well established in the Indonesian market, where the Respondents are located. The mark is incorporated in its entirety in all three of the disputed domain names, and the Respondents used it for websites advertising repair services for electronic and household appliances such

as those sold by the Complainant. The Panel finds, therefore, that the Respondents were likely aware of the Complainant's ELECTROLUX mark and registered and used the disputed domain names with reference to the ELECTROLUX mark.

As discussed in the preceding section, this cannot be deemed a nominative fair use of the mark, as the Respondents did not disclose their relationship with the Complainant, did not demonstrate that they actually offered repair services for the Complainant's branded products, and did not limit their advertised services to the Complainant's ELECTROLUX branded products on the websites associated with the disputed domain names.

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. The Panel finds one of these circumstances present here, the attempt to attract Internet users to other sites for commercial purposes by creating a likelihood of confusion with the Complainant's mark (Policy paragraph 4(b)(iv)). The Complainant points out other potential risks with the disputed domain names, such as email phishing or fraud, which have not materialized to date, but the actual use of the disputed domain names for the Respondents' commercial websites as detailed above is sufficient to establish bad faith within the meaning of 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 names <electroluxidservis.com>, <electroluxind-service.com>, and <homeservis-electroluxid.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: May 3, 2024