

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Jury Ryzhov
Case No. D2022-0712

1. The Parties

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

The Respondent is Jury Ryzhov, Russian Federation.

2. The Domain Name and Registrar

The Disputed Domain Name <zanussi-serv.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 1, 2022. On March 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 9, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed an amended Complaint on March 10, 2022.

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 March 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 31, 2022.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on April 12, 2022. 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 the owner of a large portfolio of registered trademarks for ZANUSSI in many countries and territories including:

International Trademark Registration No. 1201466 ZANUSSI, registered on March 6, 2014 (designating Russian Federation), European Union Trade Mark Registration No. 000492447 ZANUSSI (word mark), registered on February 8, 1999.

The Disputed Domain Name was registered on July 6, 2020, which resolves to a website that offers repairing services of ZANUSSI-branded appliances.

5. Parties' Contentions

A. Complainant

The Complainant is a Swedish multinational appliance manufacturer, headquartered in Stockholm. The Complainant is one of the world's leading producers of appliances and equipment for kitchen and cleaning products and floor care products. According to the Complainant's annual report in 2020, the Complainant had sales of SEK 116 billion and about 48,000 employees internationally. In 1984, the Complainant acquired Zanussi, a leading Italian appliances manufacturer.

The Disputed Domain Name incorporates the Complainant's [AEG] ZANUSSI¹ mark in full, as well as a hyphen and the descriptive term "serv" (commonly recognized as an abbreviation for "service").

The Complainant has not authorized the Respondent to use its ZANUSSI mark for any reason or in any manner, including in or as part of the Disputed Domain Name. The Complainant is not affiliated or otherwise connected with the Respondent.

There is no evidence that the Respondent has been commonly known, prior to or after the registration of the Disputed Domain Name, by the term "zanussi-serv". The results of a Google search of said term are mostly referred to the Complainant's ZANUSSI Mark. There is no evidence that the Respondent owns any identical or similar trademarks to the Disputed Domain Name or to the term "zanussi-serv."

The Disputed Domain Name resolves to a website which prominently displays the Complainant's ZANUSSI mark in an unauthorized manner, and allegedly offers repairing services of ZANUSSI-branded appliances. The website does not indicate the name of the company that provides the repairing services, and it includes the Complainant's ZANUSSI mark close to the copyright notice of the website which will make Internet users believe that the Disputed Domain Name is related with the Complainant, when it is not. The website also does not accurately and prominently disclose the Respondent's relationship - or lack of relationship - with the Complainant.

The composition of the Disputed Domain Name, which reproduces in full the Complainant's ZANUSSI mark that is being allegedly used to offer the repair of ZANUSSI-branded products means the Respondent is effectively impersonating or suggesting a sponsorship or endorsement by the Complainant.

The Complainant's trademark ZANUSSI was registered and has been in use well before the registration of the Disputed Domain Name. Given the Complainant's online presence and the fact that the Complainant holds numerous trademark registrations for the mark ZANUSSI worldwide, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant and the

¹ The Complaint repeatedly refers to the mark AEG which is not subject to this case. This is very sloppy drafting but the Panel will assume the Complainant meant ZANUSSI whenever AEG appears.

Complainant's ZANUSSI mark when the Disputed Domain Name was registered. The Respondent's website claims to offer repairing services related to the Complainant's ZANUSSI-branded products, which further evidences that the Respondent should have known the Complainant's ZANUSSI mark when the Disputed Domain Name was registered.

The Disputed Domain Name has been set up with MX records, which suggests that the Respondent intended to create email addresses "[...][@zanussi-serv.com](mailto:[]@zanussi-serv.com)" and use them. Bearing in mind the composition of the Disputed Domain Name, incorporating in full the Complainant's ZANUSSI mark, and that the Respondent has no legitimate connection to the Complainant's business, these MX Records will amount to a further inference of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the ZANUSSI mark globally including in Russian Federation. The addition of the term "serv" with a hyphen does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name after the Complainant had begun using its globally famous ZANUSSI mark indicates that the Respondent sought to piggyback on the ZANUSSI mark for the purpose of selling services related to the repair of ZANUSSI products implying that it is affiliated or otherwise affiliated with the Complainant.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered many years after the Complainant first registered and used its globally famous ZANUSSI trademark in Russian Federation. The evidence on the record provided by the Complainant with respect to the extent of use and global fame of its ZANUSSI trademark, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the

Complainant's ZANUSSI trademark, and knew that it had no rights or legitimate interests in the Disputed Domain Name. There is *prima facie* no reason for the Respondent to have registered the Disputed Domain Name containing the entirety of the ZANUSSI trademark with the term "-serv".

Further, the use of the Disputed Domain Name by the Respondent was in bad faith. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's 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 Complainant has submitted evidence that the Respondent has used the Disputed Domain Name in order to direct users to a website that claims to offer ZANUSSI service repairs but also implies that the website is operated by the Complainant. The Complainant has stated the Respondent is not affiliated with the Complainant or an authorized seller of the Complainant's parts and the Respondent has not provided any evidence to contrary to these assertions therefore "*Oki Data test*" factors are not relevant.

In the absence of any evidence or explanation from the Respondent, the Panel finds that the only plausible basis for registering and using the Disputed Domain Name has been for illegitimate and bad faith purposes.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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, <zanussi-serv.com>, be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: April 21, 2022