

## **ADMINISTRATIVE PANEL DECISION**

Loadhog Limited v. algpoma, hood baby  
Case No. D2023-0841

### **1. The Parties**

The Complainant is Loadhog Limited, United Kingdom, represented by BRB Legal, India.

The Respondent is algpoma, hood baby, United States of America (“United States”).

### **2. The Domain Name(s) and Registrar(s)**

The disputed domain name <load-hog.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2023. On February 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 2023, 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 (PrivacyGuardian.org LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 2023, 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 March 7, 2023.

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 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 29, 2023.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on April 4, 2023. 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 United Kingdom manufacturer of returnable transit packaging solutions for the automotive, manufacturing retail, postal, glass, and beverage sectors. Since 2003, the Complainant has grown into a major international organization having a presence in several foreign jurisdictions, such as Europe and Australia.

The Complainant operates under the LOADHOG trademark, and holds the following trademark registrations:

	Trademark	Jurisdiction	Registration No.	Reg. date	Classes
1	LOADHOG (figurative)	European Union	018045616	August 30, 2019	20, 21, 22, 39
2	LOADHOG	European Union	018059148	August 30, 2019	20, 21, 22, 39
3	LOADHOG	United Kingdom	UK00002296751	October 4, 2002	17, 20, 22
4	LOADHOG	United Kingdom	UK00918059148	August 30, 2019	20, 21, 22, 39
5	LOADHOG (figurative)	United Kingdom	UK00918045616	August 30, 2019	20, 21, 22, 39
6	LOADHOG	United Kingdom	UK00903102696	November 30, 2004	17, 20, 39
7	LOADHOG	Australia	908498	April 4, 2002	17, 20, 22
9	LOADHOG	European Union	003102696	November 30, 2004	17, 20, 39

In addition, the Complainant holds two LOADHOG trademark applications, as follows:

- Canadian trademark application No. 2122060, filed on July 21, 2021, for goods in classes 17, 20, and 22; and
- United States trademark application No. 90830930, filed on July 15, 2021, for goods in classes 12, 16, 20, and 22.

The Complainant is also the owner of the domain name <loadhog.com>, which resolves to the Complainant's website.

The disputed domain name was registered on February 6, 2023, and was used to send fraudulent emails to third parties under the Complainant's name.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its LOADHOG trademark, as the only difference between the two signs lies in the hyphen placed between the words "load" and "hog" in the disputed domain name. The close proximity of the disputed domain name with the Complainant's trademark is likely to mislead consumers as to the origin of the disputed domain name or to induce them to believe that there is an affiliation, sponsorship, association, nexus, or other link of the Respondent with the Complainant, which does not exist.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not associated with the Complainant and does not own trademark or service mark rights corresponding to the disputed domain name.

Lastly, the Complainant maintains that the disputed domain name was registered and is being used in bad faith. The Complainant's LOADHOG trademark enjoys substantial reputation and goodwill. Soon after the registration of the disputed domain name, the Respondent sent a fraudulent email to a third party requesting a quote for packaging and container services for an upcoming project. The email was signed by someone alleging to be a sales manager of the Complainant. The signature contained a reference to the Complainant

and to its registered seat, while the email address was based on the disputed domain name (“[...]@load-hog.com”). Upon becoming aware of the fraudulent email mentioned above, the Complainant immediately contacted the Registrar of the disputed domain name to request the suspension of the disputed domain name but the Registrar took no action and instead suggested to start a UDRP proceeding.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Panel notes that the Complainant has proved to be the owner of various LOADHOG trademark registrations dating earlier than the date of registration of the disputed domain name. The Panel agrees with the Complainant that the disputed domain name is confusingly similar to the Complainant’s LOADHOG trademark, as the only difference between the two signs lies in the hyphen between the words “load” and “hog” in the disputed domain name. The Complainant’s trademark is therefore clearly identifiable within the disputed domain name.

According to section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Therefore, the Panel is satisfied that the first condition under the Policy is met.

### **B. Rights or Legitimate Interests**

While the overall burden of proof rests with the complainant, UDRP panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is often primarily within the knowledge 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 shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

In the instant case, the Complainant has indicated that it has no relation with the Respondent and that the Respondent does not own trademark rights over the words “loadhog” or “load-hog”. Furthermore, it is clear that the Complainant has not authorized the Respondent to reflect its trademark or a name confusingly similar to its trademark in the disputed domain name. Furthermore, the Panel notes that nothing in the case file suggests that the Respondent is commonly known by the disputed domain name.

The Respondent has sent at least one communication from an email address hosted by the disputed domain name, intending to impersonate the Complainant. This use cannot amount to a *bona fide* offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name. See [WIPO Overview 3.0](#), section 2.13.

In view of the above, the Panel finds that the Complainant has discharged its burden of proof that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The burden of production now shifts to the Respondent to demonstrate that it owns rights or legitimate interests in the disputed domain name. The Respondent has chosen not to file a Response and therefore has waived its right to contest the Complainant’s allegations.

Accordingly, the Panel is satisfied that the second condition under the Policy is met.

### **C. Registered and Used in Bad Faith**

The Complainant's trademark bears a high distinctive character and as such, the registration of the disputed domain name cannot have occurred by chance. In this respect, the Panel also notes the similarity of the disputed domain name with the Complainant's domain name <loadhog.com>.

Furthermore, the Panel finds that the use of the disputed domain name to impersonate the Complainant and send a misleading email to one of the Complainant's suppliers, four days after the registration of the disputed domain name, is a clear demonstration of the fact that, at the time of the registration of the disputed domain name, the Respondent was well aware of the Complainant, and of its business under the LOADHOG trademark.

As far as use in bad faith is concerned, the disputed domain name has been used to impersonate the Complainant through a business communication sent via email to one of the Complainant's suppliers. The use of the disputed domain name to send deceptive emails in order to obtain confidential information amounts to bad faith use, as also confirmed by section 3.4 of the [WIPO Overview 3.0](#).

Under these circumstances, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith.

### **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 <load-hog.com> be transferred to the Complainant.

*/Angelica Lodigiani/*  
**Angelica Lodigiani**  
Sole Panelist  
Date: April 14, 2023