

## **ADMINISTRATIVE PANEL DECISION**

Alfa Laval Corporate AB v. Nwoke Amu, Nwoke amu groups  
Case No. DCC2024-0014

### **1. The Parties**

The Complainant is Alfa Laval Corporate AB, Sweden, represented by Advokatbyrån Gulliksson AB, Sweden.

The Respondent is Nwoke Amu, Nwoke amu groups, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <alfalaval.cc> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 29, 2024. On May 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 30, 2024, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 31, 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 amended Complaint on June 3, 2024.

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 June 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 27, 2024.

The Center appointed Mariia Koval as the sole panelist in this matter on July 3, 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, founded in 1883, is a world leader within the key technology areas of heat transfer, separation and gas and fluid handling across many industries, including but not limited to the marine, environment, pharma, hygienic, food and energy sectors. The Complainant's business was established under the company name AB Separator, which was changed to Alfa-Laval AB in 1963. The Complainant has subsidiary companies in over 100 countries around the world, including South Africa, Denmark, Italy, India, Japan, China, Netherlands, and the United States. As of the end of 2021, the Complainant had a global workforce of 18,574 employees and revenue of USD 4.77 billion. The Complainant has developed considerable goodwill and reputation for products and services of very high quality.

The Complainant is the owner of numerous ALFA LAVAL trademark registrations (the "ALFA LAVAL Trademark") around the world, among which are:

- Swedish Trademark Registration No. 6089, registered on December 13, 1897, in respect of goods in classes 7 and 11;
- United States Trademark Registration No. 764251, registered on February 4, 1964, in respect of goods in classes 23, 31 and 34;
- European Union Trademark Registration No. 003481702, registered on March 3, 2005, in respect of goods and services in classes 1, 6, 7, 9, 11, 37 and 42.

The Complainant is operating multiple domain names incorporating the ALFA LAVAL Trademark. The Complainant uses the domain name <alfalaval.com> as its main online marketing portal. The Complainant also operates pages on various social media platforms, in particular Facebook, Instagram, LinkedIn and YouTube.

The registration date of the Disputed Domain Name is April 15, 2024. As at the dates of filing of the Complaint and this Decision, the Disputed Domain Name resolves to a parked webpage, containing different pay-per-click ("PPC") links to third party websites competitive 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 Name.

Notably, the Complainant contends that the Disputed Domain Name is identical to the Complainant's ALFA LAVAL Trademark. The Disputed Domain Name contains the entirety of the Complainant's ALFA LAVAL Trademark. The Complainant highlights that its ALFA LAVAL Trademark has been extensively used for more than 100 years and is one of the most famous and well-known trademarks in the Complainant's business sector.

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant never has licensed or authorized the Respondent to use the identical Disputed Domain Name as ALFA LAVAL Trademark and there is no connection between the Complainant and the Respondent. The Complainant has found no evidence of any bona fide offering of

goods and services under the Disputed Domain Name, or any sign of any legitimate or fair use of the ALFA LAVAL Trademark. The Disputed Domain Name is linked to the PPC links that features links to other businesses. It is therefore clear that the Respondent is not actively using the Disputed Domain Name for its own business and there is no bona fide offering of goods or services.

The Complainant further claims that the Respondent registered and is using the Disputed Domain Name in bad faith in view of the following. The Respondent uses the website under the Disputed Domain Name as a webpage with PPC links that demonstrates that the Respondent never registered the Disputed Domain Name with the intention of using it for a legitimate business. The Complainant finds no evidence that the Respondent has registered the Disputed Domain Name with the intension to use it for a legitimate cause.

The Complainant's ALFA LAVAL Trademark is highly distinctive with a significant reputation. According to the Complainant's belief, it is highly likely that the Respondent had the Complainant and its ALFA LAVAL Trademark in mind when registering the Disputed Domain Name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is 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 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 the ALFA LAVAL Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Name completely reproduces the Complainant's ALFA LAVAL Trademark in combination with the country-code Top-Level domain ("ccTLD") ".cc". Pursuant to section 1.7 of the [WIPO Overview 3.0](#), in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing. The Respondent's incorporation of the Complainant's ALFA LAVAL Trademark in full in the Disputed Domain Name is evidence that the Disputed Domain Name is identical to the Complainant's Trademark.

The ccTLD of the Disputed Domain Name, in this case ".cc", is viewed as a standard registration requirement and is as such disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1.).

Accordingly, the Panel finds that the Disputed Domain Name is identical to the Complainant's ALFA LAVAL Trademark pursuant to paragraph 4(a)(i) of the Policy and 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 Respondent lacks rights or legitimate interests in the Disputed 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 Disputed Domain Name such as those enumerated in the Policy or otherwise.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the ALFA LAVAL Trademark nor is there any other evidence in the file suggesting that the Respondent has or could have rights or legitimate interests in the Disputed Domain Name.

The composition of the Disputed Domain Name – being identical to the mark – carries a high risk of implied affiliation with the Complainant (see [WIPO Overview 3.0](#), section 2.5.1). The Panel is of the opinion that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name. As of the date of this Decision, the Disputed Domain Name resolves to the website with PPC links to third party websites, some of them related to the products that are competitive with the Complainant. In accordance with [WIPO Overview 3.0](#), section 2.9, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. Therefore, such use of the Disputed Domain Name by the Respondent gives no grounds for considering its use in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Disputed Domain Name. Prior to the notice of the dispute, the Respondent did not demonstrate any use of the Disputed Domain Name or a trademark corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

## **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 concludes that both the registration and use of the Disputed Domain Name in bad faith can be found pursuant to Policy, paragraph 4(b)(iv). The Complainant obtained the registration of the ALFA LAVAL Trademark more than one century earlier than the Respondent registered the Disputed Domain Name in 2024. Taking into account all circumstances of this case, the Panel finds that the

Respondent was very well aware of the Complainant's business and its ALFA LAVAL Trademark when registering the identical Disputed Domain Name. The Panel considers it is obvious bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's ALFA LAVAL Trademark, so as to create a false association or affiliation with the Complainant.

Prior UDRP panels have recognized that the mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can itself create a presumption of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#), which states that "the mere registration of a domain name that is identical or confusingly similar (particularly domain name comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith"). The Complainant has filed evidence of the well-known character of its prior ALFA LAVAL Trademark and it has been stated above that the Disputed Domain Name is identical to the ALFA LAVAL Trademark.

Resolving the Disputed Domain Name to typical PPC website showing a variety of hyperlinks to active third-party websites, for the obvious purpose of generating PPC revenues, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's ALFA LAVAL Trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the Disputed Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Finally, the Respondent, not participating in the proceeding, has failed to indicate any facts and/or evidence, which would show the good faith registration or use of the Disputed Domain Name.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Name has been registered and is being used 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 <alfalaval.cc> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: July 14, 2024