

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Domain Privacy / Jury Ryz
Case No. D2022-0165

1. The Parties

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

The Respondent is Domain Privacy, Hong Kong, China / Jury Ryz, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <aeg-serv.com> (the “Domain Name”) 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 January 18, 2022. On January 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 19, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 2022 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 January 24, 2022.

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 February 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 25, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on March 7, 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 a Swedish company founded in 1901. It is one of the world's leading producers of appliances and equipment for kitchen, cleaning and floor care products. In 2005, the Complainant acquired the rights to the AEG brand that had been used by the Complainant's predecessor since 1887. The Complainant has since 2005 marketed and sold a number of household and electronic products under the AEG mark. The Complainant operates its official website promoting its AEG products at the domain name <aeg.com>, which in turn connects to a number of country specific websites, including its Russian website at "www.aeg.ru".

The Complainant is the proprietor of a substantial number of trademark registrations around the world in respect of AEG, including European Union trademark number 003970761 AEG registered on November 24, 1998, and International trademark number 508107B figurative word AEG registered on November 28, 1986 designating a number of territories including the Russian Federation.

The Domain Name was registered on July 2, 2020. It does not presently resolve to an active website, but at the time of preparation of the Complaint it resolved to a Russian language website whose home page features the AEG mark in the same color and font as used by the Complainant on its official website, alongside the words, translated into English, "Repair of household appliances". The website promotes a business purportedly offering to repair AEG products in Moscow, Russia. It also features prominently the trademarks of a number of competitors of the Complainant.

The "About Us" information comprises only an address in Moscow and a telephone number and does not identify the entity responsible for the website or the business. The Complainant has adduced evidence that the Respondent has set up a mail server at the Domain Name.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its AEG trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

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

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the AEG mark (the “Mark”), both by virtue of its trademark registrations and as a result of the substantial goodwill and reputation acquired through its use, and the use by its predecessor, for over 200 years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Mark together with a hyphen and the term “serv”, likely to be taken as an abbreviation for “service”. In the view of the Panel these additions do not prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

As section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) states, the consensus view is that once a complainant makes out a *prima facie* case on this element then the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has never been authorized by the Complainant to use the Mark. It is not an authorized service center of the Complainant and has never had a business relationship with the Complainant. In the Panel’s view, the Respondent’s use of the Domain Name for a website bearing representations of the Mark without consent, falsely implies some association with the Complainant and does not constitute a legitimate interest in respect of the Domain Name. The Respondent does not qualify to fulfill the requirements for a *bona fide* offering set out in the *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), first, because there is no disclaimer on the website making it clear that there is no association between the Respondent and the Complainant; and second, because the use of the trademarks and logos of competitors of the Complainant on the website indicates that the Respondent’s services are not confined to the products of the Complainant.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In these circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, the notoriety of the Mark and the use to which the Respondent has put the Domain Name, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The Respondent did so with a view to attracting Internet users and misleadingly diverting consumers to the website at the Domain Name in the mistaken belief that the service center promoted on the website was authorized by the Complainant. The Respondent is accordingly using the Domain Name to attempt to attract Internet users for commercial gain, by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation or endorsement of the website at the Domain Name.

Accordingly, the Panel finds that the Respondent registered and is using the 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 Domain Name <aeg-serv.com> be transferred to the Complainant.

/lan Lowe/

Ian Lowe

Sole Panelist

Date: March 21, 2022