

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Alexander Kleshchin
Case No. D2022-4515

1. The Parties

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

The Respondent is Alexander Kleshchin, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <electrolux-service-centre.com> is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 28, 2022. On November 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 8, 2022, 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 (Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 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 December 19, 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 December 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 10, 2023.

The Center appointed James Wang as the sole panelist in this matter on January 25, 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 has been in existence since 1901 and was the first in the world to have conceived and adopted the distinctive mark ELECTROLUX in relation to appliances and equipment for kitchen, cleaning products, and floor care products.

The Complainant sells approximately 60 million household products in approximately 120 markets every year.

The Complainant is the owner of multiple trademark registrations for ELECTROLUX across various jurisdictions, including but not limited to the following:

- ELECTROLUX, United States Registration No. 0195691 in class 9, registered on March 3, 1925;
- ELECTROLUX, Denmark Registration No. VR 1925 00751 in classes 7, 9, 11, and 21, registered on August 29, 1925;
- E ELECTROLUX ICON (figurative), International Registration No. 828253 in classes 3, 7, 8, 9, 11, 21, 25, 35, 37, and 39, designating 19 jurisdictions, registered on November 18, 2003; and
- ELECTROLUX (figurative), International Registration No. 836605 in classes 3, 7, 8, 9, 11, 12, 21, 25, 35, 37, and 39, designating 47 jurisdictions, registered on March 17, 2004.

The Complainant maintains its official website at the domain name <electrolux.com>, which was registered on April 30, 1996. The Complainant also owns many other domain names containing the ELECTROLUX trademark.

The disputed domain name was registered on February 22, 2022, and resolved to a website offering sales and services in relation to the Complainant's products, especially vacuum cleaners.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is identical or confusingly similar to the ELECTROLUX trademark in which the Complainant has rights. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered and is being used in bad faith.

The Complainant requested that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has provided evidence that it is the registrant of multiple ELECTROLUX trademark registrations across different jurisdictions.

The disputed domain name incorporates the entirety of the Complainant's ELECTROLUX trademark. As the ELECTROLUX trademark is recognizable within the disputed domain name, the disputed domain name is confusingly similar to the Complainant's ELECTROLUX trademark. The addition of the terms "service" and "centre" into the disputed domain name does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

The disputed domain name resolved to a website offering sales and services in relation to the Complainant's products, especially vacuum cleaners. According to the Complaint, the Complainant has not permitted or licensed the Respondent to use the term ELECTROLUX in any manner. The Respondent's use of the disputed domain name for a website offering sales and services in relation to the Complainant's products constitutes an impersonation of the Complainant. Such use cannot confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.0](#), section 2.13. Moreover, while it is possible for resellers, distributors, or service providers to use a complainant's trademark in a domain name to make a *bona fide* offering of goods and services, and thus have a legitimate interest in such domain name; in this case, it is clear that the Respondent has not only failed to accurately and prominently disclose the Respondent's lack of relationship with the Complainant, but actively sought to create a false impression of association with the Complainant. Accordingly, the Respondent cannot be said to be making a fair use of the Complainant's trademark as a reseller or service provider. See [WIPO Overview 3.0](#), section 2.8.

The Respondent submitted no response or evidence to rebut the allegations of the Complainant, or to establish that the Respondent is making a *bona fide* use, or a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests, and the Respondent failed to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant has provided evidence that the Complainant's trademark ELECTROLUX has been registered for nearly 100 years and is well known in relation to appliances and equipment for kitchen, cleaning products, and floor care products. A simple online search could reveal that the trademark ELECTROLUX is in wide use by the Complainant.

Given the above, it would be inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant or the ELECTROLUX trademark at the time of the registration. Moreover, the use of the disputed domain name supports this finding. The Panel therefore finds that the disputed domain name was registered in bad faith.

Meanwhile, the Complainant's evidence shows that the disputed domain name resolved to a website prominently displaying the Complainant's trademark and offering sales and services in relation to the Complainant's products, which indicates that the Respondent is seeking to cause confusion for the Respondent's commercial benefit or has an intent to profit in some fashion from the Complainant's trademark. The Panel therefore finds that the Respondent is using the disputed domain name in bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the Complaint 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 <electrolux-service-centre.com> be transferred to the Complainant.

/James Wang/

James Wang

Sole Panelist

Date: February 8, 2023