

ADMINISTRATIVE PANEL DECISION

Alecta pensionsförsäkring, ömsesidigt v. Alecta Ventures Pvt Ltd
Case No. D2024-4385

1. The Parties

The Complainant is Alecta pensionsförsäkring, ömsesidigt, Sweden, represented by Abion AB, Sweden.

The Respondent is Alecta Ventures Pvt Ltd, India.

2. The Domain Name and Registrar

The disputed domain name <alectainfo.com> (the “Disputed Domain Name”) is registered with Domainshype.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 25, 2024. On October 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 6, 2024, 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.

The Center verified that 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 November 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 28, 2024.

The Center appointed Nick J. Gardner as the sole panelist in this matter on December 19, 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 is a Swedish financial services company. It provides pensions for individuals.

The Complainant owns the following registered trademarks for ALECTA:

European Union trademark No. 018967093 in classes 36, 37, 41, and 45, registered on May 3, 2024;

International trademark No. 743236 (designating: Austria, Benelux, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Monaco, Norway, Poland, Portugal, Romania, Russia Federation, Serbia, Slovakia, Slovenia, Spain, Switzerland, Türkiye, and United Kingdom) in classes 35, 36, and 42, registered on September 11, 2000; and

Swedish trademark No. 358203 in classes 35, 36, and 42, registered on November 4, 2002.

These trademarks are referred to as the “ALECTA trademark” in this Decision.

No further information is provided in the Complaint as to the nature or size of the Complainant’s business.

The Respondent is an Indian company (see further below). The Disputed Domain Name was registered on May 16, 2024. It does not resolve to an active website.

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 similar to the ALECTA trademark.

The Respondent has no rights or legitimate interests in the term “alecta”.

In consequence the Complainant alleges that the Disputed Domain Name was registered and is being used in bad faith. The Complainant says that it must be assumed that the Respondent has become aware of the Complainant’s business as the domain name <alecta.com> has been registered by the Complainant since December 16, 1999. It also says that bearing in mind the reputation and distinctiveness of the Complainant’s trademark, it is very likely that the Respondent registered the Disputed Domain Name in order to take advantage of the reputation of the ALECTA trademark and the Complainant’s goodwill and the Respondent is “free riding on the Complainant’s reputation”.

The Complainant goes on to say that the fact that the Disputed Domain Name incorporates in its entirety the trademark ALECTA without displaying a disclaimer of affiliation with the Complainant’s official website at alecta.com, may mislead potential consumers by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, or affiliation, and making the general public believe that the paid services advertised at the Disputed Domain Name are actually official and authorized by the Complainant (see *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and, in particular, the requirement that “The site must accurately disclose the registrant’s relationship with the trademark owner”).

The Panel does not understand this submission as there is no evidence that the Disputed Domain Name resolves to an active website and the Complainant goes on to say that the disputed domain’s website still shows no active content, despite being registered over five months ago, which constitutes additional evidence that the Respondent never registered the domain with the intent to use it in a bona fide offering of

goods and services, and that the passive holding of a domain name should not prevent a finding that the domain name has been registered and used in bad faith.

The Complainant also relies on the fact that no reply was received to a cease and desist letter it sent on July 3, 2024. This letter was sent to the Registrar's abuse email address with a request that it be forwarded to the Respondent.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Preliminary Matters

The Panel notes that no communication has been received from the Respondent. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, the Panel considers that this satisfies the requirement in paragraph 2(a) of the Rules to "employ reasonably available means calculated to achieve actual notice". Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark in which the 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 has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has rights in the ALECTA trademark. The Panel finds the Disputed Domain Name is confusingly similar to this trademark. Previous UDRP panels have consistently held that domain names are identical or confusingly similar to a trademark for purposes of the Policy "when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)). It is established that, where a mark is the distinctive part of a disputed domain name, the disputed domain name is considered to be confusingly similar to the registered mark (*DHL Operations B.V. v. DHL Packers*, WIPO Case No. [D2008-1694](#)).

It is also established that the addition of a descriptive term (such as here "info") to a disputed domain name has little, if any, effect on a determination of confusing similarity between the domain name and the mark (*Quixtar Investments, Inc. v. Dennis Hoffman*, WIPO Case No. [D2000-0253](#)); furthermore, mere addition of a generic or descriptive term does not prevent a finding of confusing similarity under the first element (*PRL USA Holdings, Inc. v. Spiral Matrix*, WIPO Case No. [D2006-0189](#)).

It is also well established that the generic Top-Level Domain ("gTLD"), in this case ".com", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar to the

relevant mark. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#). Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances, any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

- (i) before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complaint contains the following passage "[t]herefore, apart from the reference to the Disputed Domain Name, there is no available information on the Respondent being commonly known by the Disputed Domain Name. The Complainant has noted an Instagram account which appears to be related to the Respondent. However, there is no evidence that the Respondent is using the domain with a legitimate use". Nothing further is said about this Instagram account and there is no evidence annexed to the Complaint as to its contents. In the circumstances the Panel considered it appropriate to check on Instagram and immediately located an account under the name "alectaventures" which contains the following text:

"Alecta Ventures
Information technology company
Alecta Ventures Pvt Ltd develops IT solutions underline by innovation
and value creations that impact and redefines the business process
#1057,2nd Floor
4th 'M' Block, Dr.Rajkumar Road
Rajajinagar, Bangalore, India 560010."

This is clearly the Respondent since it shares the same name and basically the same address as the registrant of the Disputed Domain Name. The Instagram account contains something over 70 posts dated between January 3, 2023 and March 24, 2023. These posts typically comprise an image of a website or a screenshot of a software program running accompanied by a brief text. They all appear directed at highlighting IT development work that the Respondent has done. Thus, for example, a post dated March 24, 2023 contains an image of a website promoting a natural fruit juice and is accompanied by the text:

"alectaventures
Fresh organic e-commerce website

Follow us @alectaventures
Designed by @nikitharedkar

#uiux #ui #uidesign #ux #uxdesign #webdesign #design #userinterface #appdesign #uiuxdesign
#alectaventures #userexperience #uidesigner #uitrends #webdesigner #graphicdesign #uxdesigner #dailyui
#interface #website #uiinspiration #designinspiration #uxui #websitedesign #behance #userinterfacedesign
#designer #organicwebsite."

Nowhere on the Instagram account are there any references to the Complainant or to pensions or to financial services.

The Panel does not consider it necessary to invite the Complainant to comment upon the contents of the Instagram account as it seems clear that the Complainant (or its advisers) is already aware of this material. The Panel considers it more likely than not, given this material, that the Respondent is or was a bona fide IT development company.

Accordingly, in all the circumstances, it seems to the Panel more likely than not that before any notice to the Respondent of the dispute, the Respondent has been using a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services, namely the provision of IT development services. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 2.2.

The Panel accordingly finds the second element of the Policy has not been established.

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.

The evidence in the case file as presented does not indicate that the Respondent’s aim in registering the Disputed Domain Name was to profit from or exploit the Complainant’s trademark. The Panel notes there is no evidence that the Complainant has any business or reputation in India. The Complainant does not appear to have any registered trademark rights in India. The Complainant says that the word “alecta” has no inherent meaning. That may be correct but it is a six letter word, commencing and ending with a vowel, and is readily pronounceable. As such the Panel considers it is at least possible that the Respondent may have independently derived that word. Given the lack of a Response the Panel cannot know how or why the Respondent arrived at the choice of “Alecta Ventures” as its name but there is no evidence showing it was intended to profit from or exploit the Complainant’s trademark. Even assuming the Respondent became aware of the Complainant (for example as a result of Internet searches seeking a suitable domain name), the Panel cannot see that the Complainant has any applicable rights which prevent the Respondent using the term “alecta” as part of its domain name in relation to a different field of activity in a different geographic locality.

The Panel does not consider that the Respondent’s failure to file a Response or to respond to the Complainant’s earlier cease and desist letter, alters this analysis. The Panel notes the Respondent’s most recent Instagram post was dated March 24, 2023, and it may be that the Respondent is no longer in business. Courier delivery of the Written Notice to the Respondent’s address (as shown on the Whois details for the Disputed Domain Name and on the Respondent’s Instagram account) was unsuccessful, which also suggests the Respondent may no longer be in business. It does not however alter the Panel’s analysis of this issue – there is no evidence to suggest that the Disputed Domain Name was registered or is being used in bad faith.

Accordingly, the Panel finds the third element of the Policy has not been established

7. Decision

For the foregoing reasons, the Complaint is denied.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: January 2, 2025