

ADMINISTRATIVE PANEL DECISION

ABB Asea Brown Boveri Ltd. v. Tarun Tarun, sp emterprices
Case No. D2024-4601

1. The Parties

The Complainant is ABB Asea Brown Boveri Ltd., Switzerland, represented by Taylor Wessing LLP, Germany.

The Respondent is Tarun Tarun, sp emterprices, India.

2. The Domain Name and Registrar

The disputed domain name <abbengineeringqatar.com> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 8, 2024. On November 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 11, 2024, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 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 November 12, 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 November 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on December 11, 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 part of the ABB Group, a worldwide leading group of companies based in Switzerland and operating in particular in the field of power and automation technology. It has over 100,000 employees in over 100 countries and annual revenue measured in billions of United States dollars. Its predecessor companies date back over 140 years.

The Complainant's principal website at "<https://global.abb/group/en>" promotes its products and services.

The Complainant is the proprietor of numerous registered trademarks worldwide comprising ABB, including Switzerland trademark number 2P-360773 ABB registered on April 18, 1988; International trademark number 529801 ABB ASEA BROWN BOVERI registered on May 11, 1988; and Qatar trademark number 26720 stylised word mark ABB registered on December 21, 2009.

The Domain Name was registered on May 4, 2024. It does not currently resolve to an active website, but at the time of preparation of the Complaint it resolved to a website prominently featuring the ABB mark on the home page. The website purported to promote the wide-ranging engineering, construction and technology services of ABB Engineering Qatar. The stated contact address for ABB Engineering Qatar is in fact that of the Embassy of India in Doha, Qatar. The Complainant has adduced evidence that there is no company registered in Qatar named ABB Engineering. The Complainant's operating subsidiary in Qatar is ABB LLC.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its ABB 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

It is well accepted that the first element functions primarily as a standing requirement. The 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.

Based on the available evidence, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Ignoring the generic Top-Level Domain “.com”, the Domain Name comprises the entirety of the Complainant’s ABB trademark (the “Mark”) with the addition of the words “engineering” and “qatar”. The Panel finds that these additions do not prevent a finding of confusing similarity between the Domain Name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the first element required under 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 that 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. Accordingly, 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 evidence, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

The Respondent has not used the Domain Name for a bona fide offering of goods or services, but rather for a website purporting to be operated by a company called ABB Engineering Qatar but for which no details are given save for its supposed address, which is in fact that of the Embassy of India in Doha, and a telephone number. The Panel notes that the Respondent registered the Domain Name giving an address in India. The Panel considers that the legitimate inference is that the Respondent is impersonating the Complainant. In the Panel’s view, the impersonation of a brand owner in this manner cannot confer rights or legitimate interests on the Respondent. See also [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In light of the use by the Respondent of the Mark in the Domain Name together with the word “engineering” and the nature of the Respondent’s website featuring the Mark and promoting a range of engineering and other services similar to those provided by the Complainant, the Panel considers it very likely that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The Panel considers that the Respondent has registered and used the Domain Name to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Mark, presumably for commercial gain. The Panel further considers that the Respondent’s website impersonating the Complainant cannot amount to fair use of the Domain Name.

It follows that, based on the available evidence and absent any explanation from the Respondent, the Panel finds that the Complainant has established the third element 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 Domain Name <abbengineeringqatar.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: December 23, 2024