

ADMINISTRATIVE PANEL DECISION

AB Electrolux v. Benedict Boom, Benedict
Case No. D2024-4742

1. The Parties

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

The Respondent is Benedict Boom, Benedict, United Republic of Tanzania.

2. The Domain Name and Registrar

The disputed domain name <electroluxi.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2024. On November 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 19, 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 (Redacted for Privacy / Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 20, 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 amendment to the Complaint on November 21, 2024.

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 November 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 17, 2024.

The Center appointed Geert Glas as the sole panelist in this matter on December 23, 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 company founded in 1919 and one of the world leading producers of appliances and equipment for kitchen, cleaning products, and floor care products. The Complainant has approximately 45,000 employees with sales in more than 100 countries.

The Complainant owns a large number of trademark registrations throughout the world which consist of the word ELECTROLUX and covering a multitude of product and service classes. These trademark registrations include:

- United States of America trademark registration No. 195691, registered on March 3, 1925;
- European Union trademark registration No. 000077925, registered on September 16, 1998; and
- Swedish trademark registration No. 41237, registered on November 28, 1932.

In third-party rankings of global appliance companies, the Complainant is consistently ranked among the top companies.

The Complainant also owns the domain name <electrolux.com> which it has held and used for more than two decades. This domain name is used as the Complainant's main international website.

The Complainant has been a successful complainant in hundreds of domain name dispute proceedings under the Policy involving the ELECTROLUX trademark.

The disputed domain name was registered on March 4, 2024.

The Complainant has provided evidence showing that the disputed domain name does not resolve to an active website but to a page displaying the text "the content of this page cannot be displayed".

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 its ELECTROLUX trademark has been registered in numerous jurisdictions around the world and has, through decades of use, become a distinctive and well-known identifier of its offerings.

The disputed domain name comprises the ELECTROLUX trademark in its entirety followed by the single letter "I". As a result, the disputed domain name is confusingly similar to the ELECTROLUX mark as this mark remains clearly recognizable in the disputed domain name.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name as the Respondent is not connected to nor affiliated with the Complainant and has not received any license or consent to use the Complainant's ELECTROLUX mark in any way. To the best knowledge of the Complainant, the Respondent is also not commonly known by the disputed domain name nor has the Respondent used, or prepared to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant points out that the disputed domain name merely resolves to a page which states “The content of the page cannot be displayed”. According to the Complainant, such use of the disputed domain name is not consistent with a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that the disputed domain name was registered in bad faith as its ELECTROLUX mark which was first registered more than 90 years ago has accrued substantial and worldwide goodwill and recognition. The simplest degree of due diligence would have made any prospective registrant of the disputed domain name aware of the Complainant’s rights in its globally renowned ELECTROLUX mark. As a result, it is inconceivable that the Respondent could have selected and registered the disputed domain name without knowledge of the Complainant’s ELECTROLUX mark.

The Complainant finally contends that the Respondent also used the disputed domain name in bad faith. Reference is thereby made to the doctrine of passive holding according to which the non-use of a domain name, in some circumstances, would not prevent a finding of bad faith. According to the Complainant such circumstances are present in the current case as there is no plausible explanation for the Respondent’s selection and registration of the disputed domain name other than to capitalize on the trademark value of the Complainant’s widely known ELECTROLUX mark. The Complainant thereby also highlights that the Respondent configured the disputed domain name with multiple MX (mail exchange) records so that it can be used as an email inbox. This would indicate that the disputed domain name may be used to send fraudulent emails to Internet users who are likely to misread the “[...]@electroluxi.com” string as that of the Complainant’s official domain name.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The only difference between the disputed domain name and the ELECTROLUX mark of the Complainant is the presence of an additional letter “i” which is added at the end of the disputed domain name. This difference however does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

Based on the available record, the Panel finds 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.

There is no evidence whatsoever of the Respondent using the disputed domain name with a bona fide offering of goods or services, the Respondent being commonly known by the disputed domain name or the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

Indeed, the fact that the Respondent’s use of the disputed domain name is limited to a page which merely states “The content of the page cannot be displayed” cannot be considered a bona fide offering nor a legitimate non-commercial or fair use of the disputed domain name.

Moreover, it is difficult to see how the Respondent could put the disputed domain name consisting of a combination of the Complainant’s trademark and an additional letter “i” at the end, which, to the Panel, reflects the Respondent’s ultimate intent to confuse unsuspecting Internet users into believing that the disputed domain name is operated by the Complainant, to a fair or legitimate noncommercial use.

Based on the available record, the Panel finds the second element of the Policy has 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.

As to the registration of the disputed domain name, it should be noted that panels have consistently found that the mere registration of a domain name which is confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

This is clearly the case here, as ELECTROLUX had become a widely-known trademark by the time the disputed domain name was registered by the Respondent. As a result, the Respondent knew or should have had knowledge of the ELECTROLUX trademark when registering the disputed domain name.

Moreover, it cannot be envisaged how the disputed domain name in which a mere letter “i” is added to the ELECTROLUX mark of the Complainant could be put to any bona fide use by an entity which is unrelated to the Complainant. To the contrary, the fact that the single letter difference between the disputed domain name and the ELECTROLUX mark is hardly noticeable may well affirm awareness of the Complainant and the intention of the Respondent, when registering the disputed domain name, to confuse Internet users seeking or expecting the Complainant.

Based on the available record, the Panel finds that the disputed domain name has been registered in bad faith.

Panels have found that the non-use of a domain name (including a “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s mark, the composition of the disputed domain name as well the implausibility of any good faith use to which the disputed domain name could be put. In view of these circumstances, the passive holding of the disputed domain name by the Respondent does not prevent a finding of bad faith under the Policy.

Reference is hereby also made to the fact that the Complainant has provided evidence showing that the Respondent configured the disputed domain name with multiple MX (mail exchange) records, which would enable the Respondent to send emails under a domain name which is confusingly similar to the Complainant’s trademark.

Panels have repeatedly found that the activation of MX records, in circumstances where there is a likelihood of Internet user confusion, could be indicative of bad faith registration and use of the disputed domain name (see for example *TEVA Pharmaceutical Industries Limited v. Name Redacted*, WIPO Case No. [D2022-3791](#) “The Panel finds that Respondent’s registration of MX records in respect of the disputed domain are further circumstances demonstrating bad faith registration and use of the disputed domain name.”).

The Respondent had the chance to rebut the Complainant’s arguments concerning its registration and use in bad faith of the disputed domain name but opted not to do so.

Based on the available record, the Panel finds that the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy and 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 disputed domain name <electroluxi.com> be transferred to the Complainant.

/Geert Glas/

Geert Glas

Sole Panelist

Date: January 6, 2025