

## **ADMINISTRATIVE PANEL DECISION**

Tetra Laval Holdings & Finance S.A. v. altitude energy  
Case No. D2024-5255

### **1. The Parties**

The Complainant is Tetra Laval Holdings & Finance S.A., Switzerland, represented by Aera A/S, Denmark.

The Respondent is altitude energy, United States of America ("United States").

### **2. The Domain Name and Registrar**

The disputed domain name <tetraopak.com> (the "Domain Name") is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 20, 2024. On December 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 21, 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 (Privacy Protect, LLC, PrivacyProtect.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 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 December 27, 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 December 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 21, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 24, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is part of the Tetra Laval Group. The Tetra Laval Group is a multinational food processing and packaging company founded in 1947. The Tetra Laval Group consists of three independent industry groups, one of which is Tetra Pak Group. The Tetra Pak Group develops, markets and sells equipment for processing, packaging and distribution of food products. The Tetra Pak Group employs more than 25,000 people and is operative in more than 160 countries worldwide.

The Complainant owns the TETRA PAK trademark, registered in more than 160 countries throughout the world, such as European Union Trademark Registration no. 001202522 (registered on October 2, 2000) and United States trademark Registration no. 586480 (registered on March 9, 1954).

The Complainant is the owner of more than 300 domain name registrations throughout the world containing the TETRA PAK mark.

The Domain Name was registered on December 9, 2024. Mail Exchange ("MX") records, which enable domain names to be used for the sending of emails associated with the domain name address, have been activated for this Domain Name. At the time of the Decision, the Domain Name resolved to an error page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and contends its trademark is well known within its field of business. The Domain Name is a deliberate misspelling of the Complainant's trademark, and, according to the Complainant, this case is a classic typosquatting case.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has not given the Respondent permission to use the Complainant's trademarks in any manner. The Respondent's use of the Domain Name - to impersonate the Complainant's employees in connection with email phishing - does not give rise to rights or legitimate interests.

The Complainant argues that it is apparent from the composition of the Domain Name that the Respondent must have known of the Complainant's trademark. The Respondent is seeking to create an impression of association with the Complainant by registering the Domain Name and using the Complainant's trademark without permission to impersonate employees of the Complainant. Additionally, the initial absence of contact information of the Respondent suggests bad faith. Moreover, the registrant information behind the Respondent's privacy service is most likely incorrect and false.

##### **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the trademark TETRA PAK. The Domain Name is almost identical to the Complainant's trademark, save the added letter "o". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). See [WIPO Overview 3.0](#), section 1.11.1.

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. While 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 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. If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, 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 showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Based on the record, the Respondent is not affiliated with or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. The Respondent's use of the Domain Name, as described above, is not bona fide, but rather evidence of bad faith.

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.

The composition of the Domain Name, and the fame of the Complainant's former registered trademark, make it more likely than not that the Respondent was aware of the Complainant and its trademark when registered the Domain Name.

Based on the claimed use of the Domain Name, it appears that the Respondent is intentionally creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has been established.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <tetraopak.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: January 29, 2025