

ADMINISTRATIVE PANEL DECISION

Alfa Laval Corporate AB v. Mat Rex

Case No. D2025-0002

1. The Parties

The Complainant is Alfa Laval Corporate AB, Sweden, represented by Advokatbyrån Gulliksson AB, Sweden.

The Respondent is Mat Rex, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <alfalavala.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 January 2, 2025. On January 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 3, 2025, 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 ("Privacy service provided by Withheld for Privacy ehf") and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2025, 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 January 7, 2025.

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 January 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 4, 2025.

The Center appointed Daniel Peña as the sole panelist in this matter on February 10, 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a leading technology company based in Sweden which specializes in heat transfer, separation, gas, and fluid handling across many industries including marine, environmental, pharma, hygiene, food and energy sectors. It was established in 1883 and filed its first application for the ALFA LAVAL trademark in 1897.

The Complainant is the owner of the ALFA LAVAL trademark and has over 200 registrations of the mark around the world, including but not limited to:

- Swedish Trademark Registration No. 6089 for ALFA LAVAL (figurative), registered on December 13, 1897;
- European Union Trade Mark (EUTM) Registration No. 001918176 for ALFA LAVAL (figurative) registered on December 3, 2001;
- EUTM Registration No. 003481702 for ALFA LAVAL registered on March 3, 2005;
- United States Patent and Trademark Office ("USPTO") Registration No. 764251 for ALFA LAVAL, registered on February 4, 1964;
- USPTO Registration No. 4408991 for ALFA LAVAL, registered on October 1, 2013;
- USPTO Registration No. 1163412 for ALFA LAVAL, registered on August 4, 1981;
- USPTO Registration No. 1163281 for ALFA LAVAL, registered on August 4, 1981.

The Complainant also states that it owns multiple domain names which incorporate the ALFA LAVAL mark including <alfalaval.com>, <alfalaval.us>, <alfalaval.co.uk> and <alfalaval.cn>.

The disputed domain name resolves to a parking web page with commercial pay-per-click ("PPC") links.

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 argues that the disputed domain name is almost identical to the Complainant's ALFA LAVAL trademark. In particular, the disputed domain name incorporates the Complainant's trademark, with the only difference being the addition of the letter "a" at the end. This difference is not sufficient to distinguish the disputed domain name from the Complainant's trademark. Moreover, the addition of the generic Top-Level Domain ("gTLD") ".com" should be disregarded.

Therefore, the disputed domain name is confusingly similar to the ALFA LAVAL trademark, in which the Complainant has rights.

Additionally, the Complainant contends that the Respondent lacks any rights or legitimate interests in the disputed domain name. No evidence of legitimate use has been found, as the disputed domain name resolves to a parked page containing commercial links, thereby ruling out any bona fide offering of goods or services.

The Complainant asserts that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name resolves to a parked website displaying commercial links.

According to the Complainant, past UDRP panels have consistently found bad faith in similar circumstances.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical 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.

Considering these requirements, the Panel rules as follows:

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights. It is well-established that a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.9.

The Panel finds the mark to be clearly recognizable within the disputed domain name. A domain name consisting of an intentional misspelling of a trademark is considered confusingly similar to the mark for the purposes of the Policy. In the present case, the only difference between the ALFA LAVAL trademark and the disputed domain name is the addition of the letter "a" at the end. [WIPO Overview 3.0](#), section 1.9.

As is generally accepted, the addition of a gTLD such as ".com" is merely a technical registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

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.

The Panel considers the following points based on the case record:

- Before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy and [WIPO Overview 3.0](#), section 2.2.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy and [WIPO Overview 3.0](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The disputed domain name is nearly identical to the Complainant's trademark and its domain name <alfalaval.com>. The disputed domain name previously resolved to a parked website displaying various commercial links. The Panel notes that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

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.

In the present case, the Panel acknowledges that the Complainant has demonstrated that its trademark, ALFA LAVAL, which is registered and widely recognized, enjoys global public awareness.

This Panel finds it highly implausible that the disputed domain name was registered in good faith, particularly since the Complainant owns and uses the nearly identical domain name <alfalaval.com> and given the Respondent's use of the disputed domain name to capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

Neither the fact that the disputed domain name does not currently resolve to an active website, nor the sponsored commercial links hosted at the website to which the disputed domain name previously resolved to prevent a finding of bad faith. Rather, the commercialization of the disputed domain name and its current passive holding further reinforce the notion that there was no good faith explanation for the registration and use of the domain name.

Additionally, it is documented that the Respondent sought to conceal its true identity by using an identity-shielding service. In the Panel's view, this further corroborates the finding of bad faith in the circumstances

See *Philip Morris USA Inc. v. Domain Admin, C/O ID#10760, Privacy Protection Service INC d/b/a PrivacyProtect.org / Andrejs B Pauls*, WIPO Case No. [D2017-0474](#).

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

Accordingly, the Panel concludes that the Complainant has satisfied 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 <alfalavala.com> be transferred to the Complainant.

/Daniel Peña/

Daniel Peña

Sole Panelist

Date: February 21, 2025