

ADMINISTRATIVE PANEL DECISION

Wartsila Technology Oy Ab v. Cong Xiao, Yi bo you xian gong si
Case No. D2025-0198

1. The Parties

The Complainant is Wartsila Technology Oy Ab, Finland, represented by SafeNames Ltd., United Kingdom.

The Respondent is Cong Xiao, Yi bo you xian gong si, China.

2. The Domain Name and Registrar

The disputed domain name <wartslia.com> is registered with DropJump.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2025. On January 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 22, 2025, 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 sent an email communication to the Complainant on January 27, 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 28, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on March 6, 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 following facts are undisputed.

The Complainant is a Finnish corporation which operates in the field of smart technologies and complete lifecycle solutions for the marine and energy markets. The Complainant had net sales of EUR 6 billion with over 17,000 employees in the year of 2023. The Complainant has a strong international presence with operations in over 280 locations across 79 countries, with power plants in locations not limited to Hungary, the United States of America, Indonesia, Kenya, the United Kingdom, and the Caribbean.

The Complainant it is said was established since 1834 and in its early years operated as a sawmill and iron works company before moving into other fields and began producing commercial engines in 1959. By the year 2001, it is said that the Complainant expanded into bio power and was later deemed among the 1,000 most sustainable corporations in the world.

The Complainant, own trademarks for the WÄRTSILÄ mark across a number of jurisdictions, including the European Union Trademark registration No. 008304149 in classes 7, 9, 11, 12, 35, 37, 41 and 42, registered on November 25, 2009; and International Trademark registration No. 1005789 in classes 7, 9, 11, 12, 35, 37, 41, and 42, registered on May 22, 2009, designating a large number of countries.

The Complainant also owns trademarks for WARTSILA, including the European Union Trademark registration No. 011765294 in classes 7, 9, 11, 12, 35, 37, 41 and 42, registered on September 18, 2013.

The Complainant operates from its main domain name <wartsila.com> which it uses to advertise its products and services and holds a portfolio of over 400 active domain name registrations.

The disputed domain name was registered on November 21, 2024, and resolved to a website with images of football players and offering sports betting services.

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 the following.

The disputed domain name differs from the WÄRTSILÄ or WARTSILA mark by the inversion of the two adjoining letters "i" and "l". The mix-up of letters in this way is commonly referred to as 'typosquatting'.

To the best of the Complainant's knowledge, the Respondent does not have any trademark rights to the term WÄRTSILÄ/WARTSILA, or any other term used in the disputed domain name. There is also no evidence that the Respondent retains unregistered trademark rights to the term WÄRTSILÄ/WARTSILA, or any other term used in the disputed domain name. Neither has the Respondent received any license from the Complainant to use domain names featuring the WÄRTSILÄ/WARTSILA trademark.

The disputed domain name resolves to a Chinese website offering different sports betting websites to 'Register' with or to 'Download'. These links redirect to various third-party websites where Internet users are encouraged to enter personal information or to download a mobile app. There is no link between the composition of the disputed domain name and its current use.

The typosquatting nature of the disputed domain name means that there is a high risk of implied affiliation with the Complainant's trademark.

The Complainant's trademark registrations predate the creation date of the disputed domain name by at least 27 years. The WÄRTSILÄ/WARTSILA name has been at the frontier of engineering innovations for 190 years, of which the WÄRTSILÄ/WARTSILA mark only exists in connection with the Complainant's brand. All the top results from performing a Google and Baidu search of the term 'WARTSILA' clearly pertain to the Complainant's brand and services. Moreover, the Complainant's trademarks are also accessible for Internet users to view on public trademark databases. Given the long use and renown of the Complainant's marks, in addition to the striking similarity between the mark and the disputed domain name, it is highly implausible that the Respondent was not aware of the Complainant's rights in the WÄRTSILÄ/WARTSILA mark at the time of registration of the disputed domain name.

The Respondent has also engaged in a pattern of abusive conduct by registering other domain names that encompass the marks of third-party brands. The Respondent's email address is recorded on numerous other infringing domain name registrations that target third-party brands across various industries.

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 Panel finds the WÄRTSILÄ/WARTSILA mark is recognizable 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 Panel considers the disputed domain name to clearly contain a misspelling. [WIPO Overview 3.0](#), section 1.9.

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.

The fact that the disputed domain name resolves to a Chinese website offering different sports betting websites without any obvious link to the disputed domain name, is clearly a lack of a legitimate interest.

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

C. Registered and Used in Bad Faith

The Panel refers to its consideration under 6.B.

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 notes that it would be implausible that the Respondent would not have been aware of the Complainant and its trademark registrations, also given their renown, when registering and using the disputed domain name. The Respondent has thus intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. In addition, as the Complainant substantiated, the Respondent has engaged in a pattern of abusive registrations.

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 disputed domain name <wartslia.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: March 13, 2025