

ADMINISTRATIVE PANEL DECISION

Wärtsilä Technology Oy Ab v. lloydd edwards
Case No. D2025-0419

1. The Parties

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

The Respondent is lloydd edwards, United States of America.

2. The Domain Name and Registrar

The disputed domain name <wartsaila.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 February 3, 2025. On February 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 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 (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 February 7, 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 February 11, 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 February 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 11, 2025.

The Center appointed Haig Oghigian as the sole panelist in this matter on March 19, 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, Wärtsilä Technology Oy Ab, is a Finnish corporation which operates in the field of smart technologies and complete lifecycle solutions for the marine and energy markets. The Complainant has numerous businesses and ventures in those fields operating in 79 countries, including the United States of America.

The Complainant owns numerous trademark registrations for WÄRTSILÄ, such as but not limited to:

Trademark	Jurisdiction	Registration Number	Registration Date
WÄRTSILÄ	United States of America	2078313	July 15, 1997
WÄRTSILÄ	European Union	000838466	February 21, 2000
WÄRTSILÄ	European Union	008304149	November 25, 2009
WÄRTSILÄ	European Union	011765294	September 18, 2013

The Complainant operates its website at the domain name <wartsila.com> and others including but not limited to <wartsila.cn> and <wartsila.careers>.

The disputed domain name <wartsaila.com> was registered by the Respondent on December 31, 2024. The disputed domain name has been used in emails to impersonate one of the Complainant's employees as part of a financial phishing scheme.

The Respondent is lloyd edwards of United States of America.

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:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns numerous trademark registrations for WÄRTSILÄ both domestically in the European Union and internationally, including in the United States of America; and that furthermore the Complainant's rights to and associations with these marks have been recognized by multiple panels. The Complainant therefore submits that it has satisfied the requirement of holding rights in the mark WÄRTSILÄ. Furthermore, the Complainant submits that the disputed domain name is confusingly similar to the WÄRTSILÄ mark in which the Complainant has rights. The Complaint states that the disputed domain name reproduces the WÄRTSILÄ mark, with the exception of an added "a" between the "s" and "l". The Complainant further states that the consensus view recognizes that the addition or interspersion of a single term or character (in this case "a") is inconsequential to a finding of confusing similarity for the purposes of the first element, and therefore the Complainant argues that the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights.

- The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant argues that as they have demonstrated rights to the mark contained within the disputed domain name, and have never licensed the mark to the Respondent meaning that the Respondent cannot have used the mark with permission. The Complainant states that furthermore, the Respondent has no presence using the mark or similar marks, nor has the Respondent demonstrated any ownership of any marks that bear similarity with marks owned by the Complainant. The Complainant further demonstrates that the Respondent used the disputed domain name to impersonate the Complainant in a phishing scam. With all of the above in consideration, plus the fact that panels explicitly recognize that the use of a domain name for phishing cannot confer a right or legitimate interest upon a Respondent, the Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

- The disputed domain name was registered and used in bad faith.

The Complainant argues that as the registration of the disputed domain name by the Respondent was done at least 27 years after the Complainant's registration of the mark contained within the disputed domain name, and that searching for the mark on popular search engines produces only references to the Complainant, the Respondent should have been aware of the Complainant and the rights owned by the Complainant.

Additionally, the Complainant states that the fact that the disputed domain name essentially reproduces the Complainant's mark, with an additional character that merely constitutes "typosquatting", encourages a finding of bad faith registration. Furthermore, the Complainant argues that because the Respondent used the disputed domain name to attempt a phishing scam, it is implausible to suggest that the Respondent was unaware of the Complainant at the point of registering the disputed domain name, and that therefore it was registered in bad faith. Additionally, the Complainant states that because the Respondent used the disputed domain name to distribute phishing scam emails, this demonstrates that the Respondent sought financial gain by deceiving the Complainant's customers into believing that they were engaging with the Complainant's employees, which under WIPO guidelines is "manifestly considered evidence of bad faith" use.

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 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, as the addition or interspersion of a single term or character (in this case "a") is inconsequential to a finding of confusing similarity for the purposes of the first element. [WIPO Overview 3.0](#), section 1.7 and 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.

Panels have held that the use of a domain name for illegal activity, in this case phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 notes that the Respondent clearly acted in bad faith as they reproduced, without authorization, the Complainant’s marks with the explicit intention of impersonating the Complainant for financial gain. Given that the Respondent was aware enough of the Complainant to attempt to impersonate them, and that this impersonation was in the form of a phishing scam, the Panel finds that the Respondent engaged in both bad faith registration and use of the disputed domain name. Furthermore, upon review of the contact information given by the Respondent, it appears that the Respondent registered the disputed domain name with a fake address and phone number, in this case belonging to a “Papa John’s” pizza chain restaurant in Illinois, United States of America, further demonstrating bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here, phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <wartsaila.com> be transferred to the Complainant.

/Haig Oghigian/

Haig Oghigian

Sole Panelist

Date: March 31, 2025