

ADMINISTRATIVE PANEL DECISION

Duni AB v. Shishir Amhed, Shishir Amhed
Case No. D2025-0436

1. The Parties

The Complainant is Duni AB, Sweden, represented by Zacco Sweden AB, Sweden.

The Respondent is Shishir Amhed, Shishir Amhed, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <biopakltd.com> is registered with GMO Internet Group, Inc. d/b/a Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 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 amendment to the Complaint on February 11, 2025.

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 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 Petra Pecar as the sole panelist in this matter on March 14, 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, Duni Group, is an international company established in Sweden in 1949. The Complainant focuses on sustainable and innovative concepts for table setting and take-away, offering products such as napkins, table covers, candles, and environmentally friendly packaging. Listed on the Stockholm Stock Exchange (Nasdaq) under the OMX Stockholm Mid Cap segment, the Complainant holds a stock market value of approximately SEK 4.7 million and employs over 2,300 people in 22 countries, with sales activities in more than 70 countries worldwide.

As part of its packaging division, the Complainant operates through BioPak Pty Ltd, an Australian-based subsidiary known for sustainable food service packaging. This business area reported a turnover of SEK 3,037 million in 2023, reflecting the Complainant's strong position in the global packaging market.

The marks relevant to these proceedings, registered in the name of the Complainant's subsidiary Biopak PTY LTD, comprise the following registrations:

- International Registration No. 1547260 for figurative mark , registered on June 18, 2020, for goods and services in Classes 8, 9, 16, 21, and 35, designating various jurisdictions; and
- European Union registration No. 018193500 for figurative mark , registered on June 19, 2020, for goods and services in Classes 8, 9, and 35.

The Complainant operates official websites at "www.biopak.com" and "www.dunigroup.com".

On January 15, 2025, the Complainant, acting through legal counsel, sent a takedown notice to the hosting provider who then suspended the hosting services for the disputed domain name.

The disputed domain name was registered on December 28, 2024 and before filing of the Complaint, it resolved to a website of "BioPak Ltd" featuring a number of images of food packages identical to those on the Complainant's website.

The Respondent is reportedly an individual from Bangladesh.

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 confusingly similar to the BIOPAK mark, which is protected across multiple jurisdictions. The disputed domain name incorporates the BIOPAK mark in its entirety and the mark remains clearly recognizable, as the addition of "ltd" does not prevent a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, as it was registered and used without authorization to imitate the Complainant's brand, including copying its logo, website design, and redirecting users to the official website. The Respondent is not affiliated with the Complainant, holds no license or business relationship, and has not used the disputed

domain name for any bona fide offering of goods or services. Upon discovering the misleading website at the disputed domain name, the Complainant promptly reacted by issuing a takedown notice to the hosting provider, which responded swiftly and took the website offline, acknowledging concerns about its legitimacy.

The Complainant asserts that the Respondent registered and used the disputed domain name in bad faith by deliberately targeting the Complainant's well-established BIOPAK mark, using it without authorization to mislead Internet users, create a false association with the Complainant, and benefit commercially from the Complainant's reputation.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent in bad faith.

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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Although the trademark registrations are held by the Complainant's subsidiary, BioPak Pty Ltd, a trademark owner's affiliate such as a subsidiary or parent company is considered to have rights in a trademark for purposes of standing to file a complaint under the Policy. [WIPO Overview 3.0](#), section 1.4.

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

Although the addition of other term "ltd", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, it is well accepted practice by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".com", is typically ignored when assessing whether a domain name is identical or confusingly similar to a

trademark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take into consideration the gTLD “.com” when assessing confusing similarity of the disputed domain name.

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.

According to the Complainant, the Respondent is not affiliated or connected with the Complainant in any manner, nor has the Complainant granted the Respondent any license or authorization to use or register a domain name incorporating the BIOPAK marks. The Respondent has also failed to respond to the Complaint, thereby failing to provide any information or factors that could potentially establish prior rights or legitimate interests in the disputed domain name. Furthermore, there is no evidence indicating that the Respondent has engaged in any legitimate or bona fide use of the disputed domain name, either for commercial or noncommercial purposes, as the disputed domain name, before the Complaint was filed, resolved to a webpage of “BioPak Ltd” featuring a number of images of food packages identical to those on the Complainant’s website. The Panel further notes that the disputed domain name itself is similar to the company name of the Complainant’s subsidiary, BioPak Pty Ltd, and its domain name <biopak.com>.

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 observes that the disputed domain name consists of a combination of the BIOPAK mark and the additional element “Ltd” and the gTLD “.com”. The inclusion of “Ltd”, an abbreviation for limited liability company, is used to denote a company with limited liability. The registration of the disputed domain name, which incorporates the BIOPAK mark, indicates the Respondent’s awareness of the Complainant, its subsidiary BioPak Pty Ltd, and its BIOPAK marks. Regarding bad faith at the time of registration, the Panel finds that the Respondent was aware of the Complainant’s rights in the BIOPAK marks when the disputed domain name was registered.

Before the filing of this Complaint, the Respondent hosted a website on the domain name which featured a number of images of food packages identical to those on the Complainant’s website.

In this Panel's view, the disputed domain name was designed to create a misleading association with the Complainant and its activities, with the BIOPAK mark predating the registration of the disputed domain name by at least four years. Consequently, the Panel concludes that the disputed domain name was registered in bad faith.

The Respondent's use of the disputed domain name demonstrates a deliberate intent to mislead Internet users into believing that the website is operated by or affiliated with the Complainant, and to take unfair advantage of the Complainant's reputation.

The Panel therefore finds that 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 <biopakltd.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: March 28, 2025