

## **ADMINISTRATIVE PANEL DECISION**

Wärtsilä Technology Oy Ab v. Shelley Fowler  
Case No. D2025-0439

### **1. The Parties**

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

The Respondent is Shelley Fowler, United States of America ("United States").

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

The disputed domain name <wartsilainfo.com> is registered with Wild West Domains, LLC (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 the same day, 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 (Domains By Proxy, LLC, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 10, 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 7, 2025.

The Center appointed Haig Oghigian as the sole panelist in this matter on March 12, 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.

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

Trademark	Country	Registration Number	Registration Date
WÄRTSILÄ	United States	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 <wartsila.com> and others including but not limited to <wartsila.cn> and <wartsila.careers>.

The disputed domain name <wartsilainfo.com> was registered on January 7, 2025 and resolves to an inactive page.

The disputed domain name has been used to send fraudulent emails.

#### 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; and that furthermore the Complainant's rights to and associations with these marks have been recognized by multiple WIPO UDRP decisions. 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 Complainant states that the disputed domain name reproduces the WÄRTSILÄ mark in its entirety. It is distinguishable only through the addition of the term "info" which proceeds the mark. The Complainant further states that the consensus view recognizes that, where a domain name wholly reproduces a Complainant's mark, the mere addition of a generic or descriptive term 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 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 bare 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 previous UDRP 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 28 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. Furthermore, the Complainant argues that because the Respondent used the disputed domain name to attempt a phishing scam only a day after the disputed domain name was registered, 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, 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 mark WARTSILA 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.

Although the addition of other terms here, "info", 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.

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 which 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.

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 <wartsilainfo.com> be transferred to the Complainant.

*/Haig Oghigian/*

**Haig Oghigian**

Sole Panelist

Date: March 25, 2025