ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Itron, Inc. v. Islam Akbar
Case No. D2025-0791

1. The Parties

The Complainant is Itron, Inc., United States of America ("United States"), represented by Lee & Hayes, PC, United States.

The Respondent is Islam Akbar, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <meteritron.com> is registered with CV. Rumahweb Indonesia (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 25, 2025. On February 26, 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 (Domain Data Guard) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 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 amendment to the Complaint in English on March 3, 2025.

On March 3, 2025, the Center informed the Parties in Indonesian and English, that the language of the Registration Agreement for the disputed domain name is Indonesian. On March 3, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Indonesian and English of the Complaint, and the proceedings commenced on March 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. Accordingly, the Center notified the Respondent's default on March 25, 2025.

The Center appointed Rachel Tan as the sole panelist in this matter on March 31, 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

Established on or around December 1, 1977, the Complainant is a technology company based in Washington, United States. The Complainant is known for its products and services involving energy and water resource management.

The Complainant is the owner of the ITRON mark in various jurisdictions. For example, Indonesian Registration No. D002009040750 for Itrón, registered on December 9, 2013 in Classes 9, 35, 38, and 42; Indonesian Registration No. D002009042157 for ITRON, registered on July 13, 2020 in Classes 9, 35, 38, and 42; and Indonesian Registration No. D002010004007 for Itrón, registered on July 18, 2020 in Classes 9, 35, 38, and 42.

Separately, the Complainant is the registrant of and operates the domain name "www.itron.com" (registered on May 25, 1993). The Complainant uses its ITRON mark on the website.

The disputed domain name was registered by the Respondent on March 27, 2024. At the time of the Complaint and Decision, the disputed domain name redirected to an active webpage in Indonesian which allegedly imitated the Complainant's website. In particular, it offered the sale of gas meters and water meters which are in competition with the Complainant's goods and services. It also prominently displayed the Complainant's ITRON mark and words such as "Itron Indonesia".

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 the Complainant's ITRON mark. The disputed domain name incorporates the Complainant's ITRON mark in its entirety. The additional term "meter" is descriptive and the generic Top-Level Domain ("gTLD"), i.e. ".com", is disregarded in the assessment of confusing similarity.

The Complainant further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed or otherwise authorized the Respondent to use its ITRON mark or to apply for any domain name incorporating the mark. The Respondent is not commonly known by the disputed domain name. Finally, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name because the website imitates the Complainant's website and purports to sell directly competing goods.

Finally, the Complainant argues that the disputed domain name was registered and is being used in bad faith. Given the substantial worldwide recognition, the Complainant claims that the ITRON mark is well known. At the time of registering the disputed domain name, the Respondent knew or should have known of the Complainant's mark. Separately, it is alleged that the disputed domain name resolves to a website that

imitates the Complainant's official website. The registration and use of the disputed domain name is used for the sole aim of attracting for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's ITRON mark as to the source, affiliation, and endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Indonesian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that (i) the disputed domain name is composed entirely of English characters and "Itron" does not have any specialized meaning in the Indonesian language; (ii) the disputed domain name resolves to a webpage which displays the Complainant's mark in English; and (iii) neither the Complainant nor its representative are proficient in Indonesian, and translation of the Complaint into Indonesian would cause undue burden to the Complainant, and result in delay to the proceedings.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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 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 entirety of the mark is reproduced 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, i.e. "meter", 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.

Lastly, it is permissible for the Panel to disregard the applicable TLD in the disputed domain name, i.e., ".com". WIPO Overview 3.0, section 1.11.1.

Based on the available record, 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 Respondent has not provided evidence of a legitimate noncommercial or fair use of the disputed domain name or reasons to justify the choice of the disputed domain name that is confusingly similar to the Complainant's ITRON mark. There is also no indication to show that the Respondent is commonly known by the disputed domain name or otherwise has rights or legitimate interests in it. Moreover, the Complainant has not granted the Respondent any license or authorization to use the Complainant's ITRON mark or register the disputed domain name.

The Panel notes that the disputed domain name resolves to a website which imitates the Complainant's official website by displaying the Complainant's ITRON mark and words such as "Itron Indonesia". The website does not accurately and prominently disclose the lack of a relationship between the Complainant and the Respondent. Therefore, the facts do not support a claim of bona fide use under the "Oki Data test". See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, and WIPO Overview 3.0, section 2.8.

Furthermore, the nature of the disputed domain name carries a risk of implied affiliation with the Complainant. WIPO Overview 3.0, section 2.5.1.

Based on the available record, 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 Complainant's ITRON mark was registered well before the registration of the dispute domain name. Through use and advertising, the Complainant's mark is known throughout the world. Search results using the key words "itron" on Internet search engines refers almost exclusively to the Complainant. The Panel notes that the disputed domain name resolves to a website

displaying the Complainant's ITRON mark. As such, the Respondent clearly knew of the Complainant's mark when registering the disputed domain name. WIPO Overview 3.0, section 3.2.2.

The Panel is of the view that by using the disputed domain name as described above, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's ITRON mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This demonstrates bad faith registration and use of the disputed domain name, as provided in paragraph 4(b)(iv) of the Policy.

Given all the circumstances of the case, the Panel finds that the Respondent must have known of the Complainant before registering the disputed domain name, and considering the Respondent's lack of rights or legitimate interests, and by registering and using the disputed domain name as discussed above as well as continuing to hold the disputed domain name, the Panel is led to conclude that the disputed domain name was registered and is being used in bad faith.

Based on the available record, 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 <meteritron.com> be transferred to the Complainant.

/Rachel Tan/
Rachel Tan
Sole Panelist
Date: April 11, 2025