

ADMINISTRATIVE PANEL DECISION

Wartsila Technology Oy Ab v. James Alfred, pa ne, ao an, Ryanada Limited,
an du

Case No. D2025-0961

1. The Parties

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

The Respondent is James Alfred, Nigeria, pa ne, Hong Kong, China, ao an, Hong Kong, China, Ryanada Limited, Kenya, an du, Hong Kong, China.

2. The Domain Names and Registrars

The disputed domain names <bizwartsila.buzz>, <hubswartsila.top>, <hubswartsila.vip>, <wartsila.top>, <warttopsila.vip>, and <warttopsiya.click> are registered with NameSilo, LLC. The disputed domain name <wartsilas.online> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 10, 2025. On March 10, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On March 10 and 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which partially differed from the named Respondent (See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 11, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on March 12, 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 March 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. The Respondent, using the email address "[...].@gmail.com", sent an email communication to the Center on March 27, 2025, stating that it had received the letter "regarding domain names registered under my name" and that it would like to inform the Center that the seven disputed domain names would be cancelled between now and a week's time. The Center, by email of April 2, 2025, informed the Complainant of this and enquired whether the Parties wished to suspend proceedings to explore settlement options. In return, the Complainant sent, by email of April 2, 2025, a settlement form to the Respondent asking it to sign, date and return it for transfer the disputed domain names to the Complainant in order to suspend proceedings. The Respondent did not respond to this. Accordingly, the Center notified Commencement of Panel Appointment Process on April 8, 2025.

The Center appointed Andrea Jaeger-Lenz as the sole panelist in this matter on April 24, 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 is a Finnish corporation which was established and has been operating under the name "Wärtsilä" since 1834, starting as a sawmill and ironworks company, gradually moving into other fields and starting to produce commercial engines in 1959. In 2001, it expanded into biopower and nowadays operates in the field of smart technologies and complete lifecycle solutions for the marine and energy markets. As of 2023 the Complainant had net sales of EUR 6 billion, with over 17,000 employees in 280 locations across 79 countries (Annexes 4, 5 and 6 to the Complaint). The Complainant owns trademarks in the designations WÄRTSILÄ and WARTSILA (Annex 7 to the Complaint), among them the following:

- International Registration ("IR") no. 1005789 WÄRTSILÄ, registered on May 22, 2009, for goods and services in Classes 7, 9, 11, 12, 35, 37, 41, and 42, with designations in 26 countries around the world;
- European Union Trademark ("EUTM") no. 000838466 WÄRTSILÄ, registered on February 21, 2000, for goods and services in Classes 7, 12, and 37;
- EUTM no. 011765294 WARTSILA, registered on September 18, 2013, for goods and services in Classes 7, 9, 11, 12, 35, 37, 41, and 42.

The Complainant owns numerous domain names consisting of or comprising the WARTSILA mark within the respective second level domain (Annex 8 to the Complaint), among them the domain name <wartsila.com> which resolves to the Complainant's official website. This website displays the Complainant's logo which is the name WÄRTSILA in combination with a blue and yellow swirl.

The disputed domain names were registered by the Respondent as follows: <bizwartsila.buzz> in the name of ao an on January 8, 2025, <hubswartsila.top> in the name of pa ne on January 7, 2025, <hubswartsila.vip> in the name of pa ne on January 7, 2025, <wartsila.top> in the name of Ryananda Limited on January 15, 2025, <warttopsila.vip> in the name of an du on January 9, 2025, <warttopsiya.click> in the name of an du on January 9, 2025, and <wartsilas.online> in the name of James Alfred on January 16, 2025. All disputed domain names are, currently, passively held, which is the result of abuse complaints with the respective Registrars. Before this inactivity, all disputed domain names resolved to an identical website prominently displaying the Complainant's logo, and requiring Internet users to insert their user names and passwords on a login/registration page (Annex 11 to the Complaint).

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 names.

Notably, the Complainant contends that all disputed domain names are confusingly similar to a trademark, in which the Complainant owns rights. The Complainant brings forth that it maintains trademark registrations for the terms WARTSILA and WÄRTSILA which predate the creation of the disputed domain names. Further, the Complainant argues that all disputed domain names contain the WARTSILA trademark, either identically as in the disputed domain name <wartsila.top>, or with typical typos, such as in <wartsilas.online>, noting that "a" and "s" are adjacent on a standard keyboard, or with the word "top" inserted in the middle of "Wartsila" or "wartsiya", as in <warttopsila.vip> or <warttopsiya.click>, which disputed domain names have, according to the Complainant, sufficient confusing similarity given the presence of the same starting and concluding characters. As for the disputed domain names <hubswartsila.top>, <hubwartsila.top> and <bizwartsila.buzz>, the Complainant claims that despite the addition of the terms "hubs", "hub", and "biz", respectively, in the front, the WARTSILA mark is still sufficiently recognizable within the disputed domain names. Finally, the ".online", ".top", ".vip", ".buzz", and ".click" extensions to the disputed domain names are merely generic top-level domains forming a standard registration requirement.

The Complainant further argues that the Respondent has no rights or legitimate interests in the disputed domain names. Firstly, the Respondent does, to the best of the Complainant's knowledge, not own any trademark rights to the WÄRTSILA or WARTSILA marks or any terms reflected in the disputed domain names. The Respondent has not received a license to use the disputed domain names with the featured terms either. Further, the Complainant submits that there are no circumstances evident that the Respondent could demonstrate a right or legitimate interest in the disputed domain names, neither a bona fide offering for goods or services, nor being known by either of the disputed domain names. Rather, prior to the disputed domain names being inactive in consequence to the Complainant's abuse complaints, the Respondent used the disputed domain names to resolve to an identical website displaying the Complainant's WARTSILA logo and phishing Internet users data by creating a confusion regarding the affiliation of the disputed domain names with the Complainant.

Lastly, the Complainant asserts that the disputed domain names were registered and used in bad faith. As to registration in bad faith the Complainant points to the fact that its trademarks in WARTSILA and WÄRTSILA predate the creation of the disputed domain names by more than 27 years, and that it has accrued substantial goodwill in said trademark, which are, all the more, accessible in public trademark databases. The website originally linked to all of the disputed domain names shows that they were registered for impersonation purposes to engage in fraudulent practices, with the display of the Complainant's logo being testimony to the Respondent's targeting the Complainant. In addition, the Respondent's email address "[...].com" has – so the Complainant puts forth – been associated with other abusive domain name registrations (Annex 14 to the Complaint). As to use in bad faith, the Complainant again refers to the – in its opinion – obvious use of the disputed domain names for phishing purposes (Annex 11 to the Complaint), to which the Complainant only put an end by the take down notices to the Registrars (Annex 16 to the amended Complaint).

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Matters

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not explicitly comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes the Respondent's email of March 27, 2025, directed to the Center in reaction to the amended Complaint, in which it listed all disputed domain names and announced their imminent cancellation, which implies that the Respondent itself admitted to common control. Besides that, the Complainant provided evidence for common control, namely that all disputed domain names resolved to identically designed websites, merely differing in language (Annex 11 to the Complaint). Six out of the seven disputed domain names were registered with the same Registrar and had the same Whois privacy details (Annex 1 to the Complaint). All disputed domain names were registered within less than two weeks in January 2025. The first five registered disputed domain names had parallel registrant details pointing to Hong Kong, China. The remaining two registrations occurred only a couple of days after the first five, in particular after the Complainant had successfully disrupted their use, and with alleged registrants in African countries.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party, taking into consideration also the implied admission of the Respondent.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive matters

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 Panel finds the Complainant's WARTSILA mark is either identically reproduced within the disputed domain names (<wartsila.top> and <wartsilas.online> or recognizable within the disputed domain names (<hubwartsila.vip>, <hubswartsila.top> and <bizwartsila.buzz>). While the element of recognizability within the disputed domain name may be given to a lesser extent for the disputed domain names <wartopsila.vip> and <wartopsiya.click> the Panel, considering [WIPO Overview 3.0](#), section 1.15, takes note of the content of

the website associated with these two disputed domain names to confirm confusing similarity whereby it appears obvious that the Respondent sought to target the Complainant's trademark (Annex 11 to the Complaint), and also views the totality of the composition of all seven disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for an illegitimate activity, here, claimed phishing through impersonation as applicable to this case. This 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 has registered a set of seven different domain names, namely the disputed domain names, which, in certain variations, all include identically or play with the term "wartsila", which – according to a dictionary search - has no meaning even in the Finnish language. All these disputed domain names were used in the same way, namely, to redirect to a website displaying the Complainant's name and logo and seeking to get hold of data of Internet users.

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. In the present case, even if the Complainant's WARTSILA mark may not be generally known, the Panel noted the unusual composition and distinctiveness of this mark as well as the fact, that there is not plausible reason how the Respondent could have come up with the creation of the seven related disputed domain names other than that it specifically intended to target the Complainant. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for an illegitimate activity, here, claimed phishing through the means of impersonating as the Complainant 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 names 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 names <bizwartsila.buzz>, <hubswartsila.top>, <hubswartsila.vip>, <wartsila.top>, <warttopsila.vip>, <warttopsiya.click>, and <wartsilas.online> transferred to the Complainant.

/Andrea Jaeger-Lenz/

Andrea Jaeger-Lenz

Sole Panelist

Date: May 8, 2025