

ADMINISTRATIVE PANEL DECISION

Alfa Laval Corporate AB v. Thompson Nehushta Kamilah

Case No. D2025-1091

1. The Parties

The Complainant is Alfa Laval Corporate AB, Sweden, represented by Advokatbyrå Gulliksson AB, Sweden.

The Respondent is Thompson Nehushta Kamilah, Italy.

2. The Domain Name and Registrar

The disputed domain name <alfalavals.com> is registered with WEDOS Internet, a.s. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 17, 2025. On March 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 28, 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 (WEDOS-UBS-471133) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 31, 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 March 31, 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 April 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2025.

The Center appointed Gareth Dickson as the sole panelist in this matter on May 2, 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 operates in the fields of heat transfer, separation, and fluid handling across a range of industries including the marine, environmental, pharmaceutical, hygienic, food and energy sectors, and has been operating for over 140 years.

The Complainant is the owner of more than 200 trade mark registrations for the mark ALFA LAVAL (the “Mark”), including the following:

-Sweden Trade Mark Registration No. 6089, filed on November 5, 1897 and registered on December 13, 1897;

-United States of America Trade Mark Registration No. 0764251, filed on June 26, 1962 and registered on February 4, 1964; and

-European Union Trade Mark Registration No. 018170847, filed on December 20, 2019 and registered on June 24, 2020.

The Complainant’s rights in the Mark have been recognised in a number of jurisdictions, as recognised in survey evidence, by judgments of national courts and by previous decisions under the Policy.

The Complainant also operates the domain name <alfalaval.com> and maintains several other domain name registrations incorporating the Mark under different Top-Level Domains (“TLDs”), including “.us”, “.co.uk”, and “.cn”.

The disputed domain name was registered on March 10, 2025. It resolves to a parked page with no active content and does not appear to have been used in connection with any goods or services.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the three elements required under the Policy for a transfer of the disputed domain name.

The Complainant asserts that the disputed domain name is confusingly similar to the Mark. It contends that the addition of the letter “s” at the end of the Mark in the disputed domain name does not distinguish the disputed domain name from the Mark, and that the Mark is incorporated in its entirety.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It contends that there is no evidence of any bona fide offering of goods or services or any legitimate noncommercial use. It further asserts that the Respondent has not been commonly known by the disputed domain name and has not acquired any trade mark rights in connection with it. It asserts that there is no relationship between the Complainant and the Respondent, nor has the Complainant identified any prior correspondence or contact with the Respondent regarding the disputed domain name.

The Complainant also contends that the disputed domain name was registered and is being used in bad faith. It submits that the disputed domain name resolves to a parked page with no content, which it argues demonstrates the absence of any intent on the part of the Respondent to use the name for a legitimate purpose. The Complainant also notes the use of a privacy protection service and the lack of verifiable contact details as supporting bad faith. It asserts that the Respondent must have been aware of the Mark at the time of registration, given its asserted global recognition and long-standing use.

The Complainant alleges that the address associated with this name does not correspond to a valid location, and that searches conducted on the Respondent's email address and phone number yielded no identifying details.

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 trade mark 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 trade mark 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 or letters, here a single "s", may bear on assessment of the second and third elements, the Panel finds the addition of that letter here 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.

Specifically, the Respondent has not demonstrated use, or preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, and there is no evidence suggesting the Respondent is commonly known by the disputed domain name. The Respondent has not rebutted the Complainant's contention that it has not authorised the Respondent to use the Mark, or that there is no relationship between them that would justify the Respondent's registration and use of the Mark in a domain name.

The Panel finds that the Complainant has established the second element of the Policy.

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 registered a domain name that incorporates the Mark in its entirety, with only the addition of the letter "s." The Panel finds that, on the basis of the evidence before it, the Mark is distinctive of the Complainant and that the Respondent was aware of the Complainant's rights in the Mark at the time of registration, based on its fame and the international nature of Complainant's trade mark registrations. The Respondent's apparent use of false contact details on the Whols supports this finding. Even without the use of false contact details, the Respondent's use of a privacy protection service, in the absence of any other supporting evidence of legitimate interests, further supports the inference of bad faith.

The Panel notes that the Complainant has provided evidence that at the time of the filing of the complaint, the disputed domain name was resolving to an error page "403 Forbidden". Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Mark and the composition of the disputed domain name and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <alfalavals.com> be transferred to the Complainant.

/Gareth Dickson/

Gareth Dickson

Sole Panelist

Date: May 16, 2025