

ADMINISTRATIVE PANEL DECISION

Atrium Ljungberg AB v. chen ming
Case No. D2025-1224

1. The Parties

The Complainant is Atrium Ljungberg AB, Sweden, represented by Abion AB, Sweden.

The Respondent is chen ming, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <atriumljungberg.com> (the “Disputed Domain Name”) is registered with Gname 268 inc (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 27, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication in Chinese and English to the Complainant on March 28, 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 in English on April 3, 2025.

On March 28, 2025, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Name is Chinese. On April 3, 2025, the Complainant requested English to 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 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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Chinese and English of the Complaint, and the proceedings commenced on April 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 4, 2025.

The Center appointed Andrew Sim as the sole panelist in this matter on May 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 is a property company based in Sweden. It owns, develops and manages properties, and provides real estate and urban development services under the brand ATRIUM LJUNGBERG.

The Complainant is the owner of a number of ATRIUM LJUNGBERG trademarks and service marks (the "Mark"), including the following:

Jurisdiction	Mark	Classes	Registration Number	Registration Date
United Kingdom	ATRIUM LJUNGBERG	6, 19, 35, 36, 37, 39, 42 and 43	UK00906299325	September 9, 2008
European Union	ATRIUM LJUNGBERG	6, 19, 35, 36, 37, 39, 42 and 43	006299325	September 9, 2008
Sweden	ATRIUM LJUNGBERG	6, 19, 35, 36, 37, 39, 42 and 43	404312	June 12, 2009

Besides, the Complainant owns the following domain names, namely, <al.se>, <atriumljungberg.se>, and <atriumljungberg.nu>.

The Complainant submitted that it had owned the Disputed Domain Name for many years until October 2024, when the Complainant failed to renew it. The Respondent registered the Disputed Domain Name on November 18, 2024. On January 31, 2025, the Complainant sent a cease and desist letter ("C&D Letter") to the Respondent via the Registrar. The Complainant submitted that the Respondent did not respond to the C&D Letter.

At the time of the Complaint and this decision, the Disputed Domain Name does not resolve to any content.

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.

First, the Complainant contends that the Disputed Domain Name is identical or confusingly similar to the Mark. The Disputed Domain Name wholly incorporates the Mark with an addition of ".com". The Complainant submits that the generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and shall be disregarded when assessing the confusing similarity between the Disputed Domain Name and the Mark.

Second, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name for the reasons stated below:

- (a) the Respondent registered the Disputed Domain Name several years after the Complainant's first registration of the Mark;
- (b) the Complainant has not licensed or authorized the Respondent to register or use the Disputed Domain Name, nor is the Respondent affiliated to the Complainant in any form;
- (c) there is no evidence that the Respondent is known by the Disputed Domain Name or owns any corresponding registered trademarks;
- (d) the Respondent is trying to hide its true identity by using the privacy shield service;
- (e) the Respondent has not been using, or preparing to use, the Disputed Domain Name in connection with a bona fide offering of goods and services, nor making a legitimate noncommercial or fair use of the Disputed Domain Name;
- (f) the Respondent never responded to the C&D Letter; and
- (g) the composition of the Disputed Domain Name shows the Respondent's intention to create an association, and subsequently a likelihood of confusion, with the Complainant and the Mark.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith for the reasons below:

- (a) the Respondent registered the Disputed Domain Name several years after the Complainant's first registration of the Mark;
- (b) due to the Complainant's strong presence online and the Respondent's pattern of conduct of registering domain names incorporating third party trademarks, the Respondent would have known the Complainant, its business and the Mark when registering the Disputed Domain Name;
- (c) the composition of the Disputed Domain Name suggests that the Respondent would have had in mind the Complainant and the Mark when registering the Disputed Domain Name;
- (d) the Disputed Domain Name is being passively held and thus there is an absence of evidence of any actual or contemplated good faith use of the Disputed Domain Name;
- (e) the Respondent never responded to the C&D Letter;
- (f) the Respondent is trying to hide its true identity by using the privacy shield service; and
- (g) the Respondent has registered multiple domain names incorporating third party trademarks.

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 Chinese. 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 the reasons below:

- (a) the fact that the Respondent registered the Disputed Domain Name in Latin alphabet with a gTLD “.com” shows that the Respondent understands English;
- (b) English language is commonly used internationally; and
- (c) if the Complainant needs to translate the communications to Chinese, it would incur significant costs and result in delay.

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

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

- (a) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (c) the Disputed Domain Name has been registered and is being used in bad faith.

For the below reasons, support for the Complaint can be found due to the satisfaction of the three conditions for the Disputed Domain Name.

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 Mark 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 entire Mark is recognizable within the Disputed Domain Name, with an addition of the gTLD “.com” after the ATRIUM LJUNGBERG word mark. Regarding the gTLD “.com”, as the Complainant correctly points out, it is well known and established that gTLDs, such as “.com”, “.info”, and “.net”, may be disregarded when assessing the confusing similarity between the Disputed Domain Name and the Mark. Only the second-level portion of the Disputed Domain Name is taken into consideration. Therefore, “.com” is disregarded for the present purpose. [WIPO Overview 3.0](#), section 1.11.

Accordingly, the Disputed Domain Name is identical or confusingly similar to the Mark for the purposes of the Policy.

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.

Based on the reasons below, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name:

- (a) the composition of the Disputed Domain Name carries a risk of implied affiliation with the Complainant.
- (b) the Complainant has confirmed that it has not licensed nor allowed the Respondent to use the Mark;
- (c) there is no evidence showing that the Respondent has been commonly known by the Disputed Domain Name in any manner;
- (d) as correctly submitted by the Complainant, the Respondent only passively holds the Disputed Domain Name and there is no evidence that the Respondent has been using, or preparing to use, the Disputed Domain Name in connection with a bona fide offering of goods and services, or has made a legitimate noncommercial or fair use of the Disputed Domain Name.

Accordingly, 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.

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.

As submitted by the Complainant and noted by the Panel above, the Disputed Domain Name entirely incorporates the Mark. Since the Mark is not a generic or descriptive term, the Panel finds it more likely than not that the Respondent was aware of the Mark at the time the Disputed Domain Name was registered. The Panel considers that the Respondent’s likely awareness of the Complainant’s rights in the Mark at the time of registration suggests bad faith. See e.g., *Accor, So Luxury HMC v. Youness Itsmail*, WIPO Case No. [D2015-0287](#).

Additionally, panels have found that the non-use of a domain name would not prevent the 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 of the Mark, the composition of the Disputed Domain Name, and the Respondent's failure to submit any response or provide any evidence of actual or contemplated good faith use. Accordingly, the Panel finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent the finding of bad faith under the Policy.

Besides, the Panel notes that a presumption of bad faith is created from the fact that the Respondent, being an unaffiliated individual with the Complainant, registered the Disputed Domain Name, which is identical or confusingly similar to the Mark, without any possible justification. [WIPO Overview 3.0](#), section 3.1.4.

In addition to the above, the Panel considers that bad faith is further supported by the fact that the Respondent did not respond to the C&D Letter (See e.g., *Altarea v. Loretta Zayas*, WIPO Case No. [D2020-2337](#)).

Based on the above, 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 <atriumljungberg.com> be transferred to the Complainant.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: May 26, 2025