

ADMINISTRATIVE PANEL DECISION

Ecolab USA Inc. v. Domain Administrator
Case No. D2025-1704

1. The Parties

The Complainant is Ecolab USA Inc., United States of America ("US"), represented by Greenberg Traurig, LLP, US.

The Respondent is Domain Administrator, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <ecolob.com> is registered with Above.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 28, 2025. On April 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 1, 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 ("above_privacy") and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 5, 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 3, 2025.

The Center appointed Mehmet Polat Kalafatoglu as the sole panelist in this matter on June 6, 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, Ecolab USA Inc., is a corporation located in the US. The Complainant is a global sustainability leader offering water, cleaning, hygiene, and infection prevention products and services with annual sales of over USD 15 billion. The Complainant asserts that it provides its products and services under the ECOLAB brand in more than 170 countries and employs more than 48,000 associates worldwide.

The Complainant affirms that in addition to its common law trademark rights resulting from decades of use, it owns numerous registrations for the trademark ECOLAB worldwide. These registrations include, among others, the following trademark registrations for ECOLAB in Hong Kong, China, where the Respondent is located:

- Hong Kong, China trademark registration ECOLAB, No. 19883788, registered on October 17, 1986, in class 3; and
- Hong Kong, China trademark registration ECOLAB, No. 199703283, registered on April 24, 1992, in class 37.

The Complainant owns the domain name <ecolab.com> registered on January 25, 1996. The Complainant also operates an online portal (named the “Ecolab Easy Pay Portal”) where its consumers can pay invoices on the “easypay” subdomain located at <easypay.ecolab.com>.

The disputed domain name was registered on July 26, 2005. At the time of filing the Complaint and this Decision, the disputed domain name resolves to a parked website that contains pay-per-click (“PPC”) links referring or connected to sustainability services and products, such as “Eco Friendly Products”, “Green Living Ideas”, “Sustainable Packaging Products”, and “Sustainable Agricultural Solutions”. The record also shows that the disputed domain name contains a subdomain located at <easypay.ecolob.com> and active mail exchange (“MX”) records.

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. The Complainant’s contentions regarding the three elements under the Policy can be summarized as follows.

First, the Complainant contends that the continuous and broad use of the ECOLAB trademarks has brought the Complainant widespread fame and has made its trademarks well-known and widely recognized in the water, cleaning, hygiene, and infection industries. The Complainant contends that the ECOLAB trademark is well known not only in Hong Kong, China, but also throughout the world. The Complainant asserts that the disputed domain name is a mere typo of the Complainant’s trademark and domain name. Therefore, the disputed domain name is confusingly similar to the ECOLAB trademark.

Second, the Complainant submits that the Respondent has no rights or legitimate interest in respect of the disputed domain name. In this regard, the Complainant asserts, inter alia, that long after the Complainant’s trademark rights and without its authorization, the Respondent registered the disputed domain name and created an “easypay” subdomain. The Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services. The Complainant argues that although

the disputed domain name was registered in 2005, it has reasons to believe that its ownership changed in 2011 and 2024, based on a change in registrar. Even if the Respondent was the original registrant, the disputed domain name was registered almost 20 years after the Complainant's trademark rights at the Respondent's location. The Complainant adds that the Respondent is using the disputed domain name to divert Internet traffic from persons thinking that they are going to the Complainant's "Ecolab Easy Pay Portal" or to redirect Internet users to a variety of websites that are selling products competitive with those of the Complainant. The Complainant further notes that there are no prior trademark applications or registrations in the name of the Respondent for any mark incorporating the term "ecolab" anywhere in the world and the Respondent is not commonly known by the disputed domain name.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith. In this respect, the Complainant asserts that the Respondent registered the disputed domain name long after the Complainant established its rights in the ECOLAB trademarks and with knowledge of those marks and the "Ecolab Easy Pay Portal". The mere fact that the Respondent has registered a domain name that incorporates the trademark of a well-known company is sufficient to give rise to an inference of bad faith. The Complainant contends that the Respondent acquired the disputed domain name to redirect Internet traffic to competing websites, thereby generating PPC or advertising revenue. The Complainant further notes that the Respondent's use of the disputed domain name causes disruption of the Complainant's business and creates a likelihood of confusion regarding source, sponsorship, affiliation, or endorsement. The active MX records are further evidence of the possibility of additional bad faith use to engage in fraudulent email or phishing communications. The use of a privacy service, the provision of false contact information, and the Respondent's failure to reply to the cease-and-desist letter further demonstrate bad faith registration and use of the disputed domain name.

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 is recognizable within the disputed domain name. The disputed domain name consists of a misspelling of the Complainant's ECOLAB trademark, replacing only the letter "a" with the letter "o". As discussed below, this indicates the Respondent's intention to create confusion among Internet users. [WIPO Overview 3.0](#), section 1.9.

Accordingly, the disputed domain name is 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 name. In this respect, the Complainant asserted that it never authorized the Respondent to use its ECOLAB trademark in any manner. There is no evidence in the available record suggesting that the Respondent is commonly known by the disputed domain name. Particularly, the Panel notes that the disputed domain name, consisting of a misspelling of the Complainant’s trademark, resolves to a website containing PPC links related to products or services in competition with those of the Complainant. Such use of the disputed domain name cannot be considered as a bona fide offering of goods or services or as a legitimate noncommercial or fair use. In addition, the Panel finds that the composition of the disputed domain name described above, the existence of the subdomain <easypay.ecolob.com> (which is also confusingly similar to the Complainant’s online payment portal), and the active MX records connected to the disputed domain name create a considerable risk of potential illegitimate use of the disputed domain name, which cannot give rise to 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.

Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

First, the Panel notes that the disputed domain name was registered in 2005, more than 20 years before the filing of the Complaint. The Panel concurs with previous UDRP panels and finds that the delay between the registration of the disputed domain name and the filing of the Complaint does not bar the Complainant from filing this case. In addition, the Panel finds that this delay does not bar the Complainant from prevailing on the merits under the circumstances of this case, as discussed below. [WIPO Overview 3.0](#), section 4.17.

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.

In the present case, the Panel considers the following: the ECOLAB trademark is also protected in Hong Kong, China, where the Respondent is located; the disputed domain name was registered almost 20 years after the Complainant registered the ECOLAB trademark at the Respondent’s location; the disputed domain name consists of a misspelling of the Complainant’s trademark; the Respondent’s use of the disputed domain name explained above; the Respondent failed to provide any argument or explanation for its choice of the disputed domain name and the circumstances of its registration. Therefore, the Panel finds it more likely than not that the Respondent registered the disputed domain name with the Complainant’s prior trademark rights in mind and to take unfair advantage of the said trademark.

The record shows that the disputed domain name, which is confusingly similar to the Complainant's trademark, resolves to a webpage containing PPC links competing with the Complainant's products and services. In the Panel's view, this establishes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark. In particular, the existence of the subdomain <easypay.ecolob.com> and the active MX records connected to the disputed domain name further support the Panel's conclusion regarding the bad faith use of the disputed domain name.

Considering the available record and in the absence of any response rebutting the Complainant's assertions, the Panel finds that the disputed domain name was registered and is being used in bad faith. Accordingly, 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 <ecolob.com> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/

Mehmet Polat Kalafatoglu

Sole Panelist

Date: June 20, 2025