

ADMINISTRATIVE PANEL DECISION

Alba Edible Oils Pty Ltd v. Domain Admin, FindYourDomain.com
Case No. D2025-1961

1. The Parties

The Complainant is Alba Edible Oils Pty Ltd, Australia, represented by Bennett Litigation and Commercial Law, Australia.

The Respondent is Domain Admin, FindYourDomain.com, United States of America (the “United States”), represented by Law Offices of Grant G. Carpenter, United States.

2. The Domain Name and Registrar

The disputed domain name <albaoil.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2025. On May 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 16, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 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 30, 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 June 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2025. The Respondent sent an email communication to the Center on May 27, 2025, and the Response was filed with the Center on June 19, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on July 18, 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 an Australian company formed on January 20, 1987, and has traded as “Alba Edible Oils” since about that date. The Complainant supplies products across Australia and exports its products internationally to 21 countries primarily in Asia. The Complainant’s product range features premium, all-natural deep frying, bakery oils, and fat solutions, along with specialty products such as “Extra Virgin Cold Pressed Canola Oil”.

The Complainant owns a number of registered trademarks which are for the term “Alba”, or which include that term in combination with the word “red”, or include that term with the words “edible oils” as a prominent feature of a device mark. See for example Australian trademark registration for ALBA, registration number 1681169, registered from March 16, 2015, in Classes 04 and 29. These trademarks are referred to as the “Alba trademark” in this decision.

The Respondent is an investor and trader in domain names. The Disputed Domain Name was originally registered on June 6, 1999. The Respondent purchased the Disputed Domain Name on July 15, 2021. The Disputed Domain Name has resolved to various webpages which have indicated it is for sale (see below).

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.

It says the Disputed Domain Name includes in its entirety the Alba trademark and the addition of the descriptive suffix “oil” does nothing to distinguish the Disputed Domain Name from the Complainant’s trademark. The word “oil” merely describes the goods which the Complainant sells.

The Complainant submits that it does not have, and never has had, any association or affiliation with the Respondent, nor has the Complainant at any time authorised the Respondent to use or register the Disputed Domain Name. The Complainant submits it need only make a prima facie case that the Respondent lacks rights or legitimate interests, after which the burden shifts to the Respondent to demonstrate rights or legitimate interests in the Disputed Domain Name. A failure therefore by the Respondent to prove its rights or legitimate interests in the Disputed Domain Name satisfies this element.

So far as bad faith is concerned the Complainant says as follows:

“The Domain Name has been advertised for sale since 24 November 2021 and continues to be available for sale on different websites. The Complainant has tried to contact the Respondent to ascertain the Respondent’s potential rights or interests in respect of the Domain Name, without success. Following the Respondent’s acquisition of the Domain Name, it appears that the Domain Name has not at all been legitimately used but has been registered for the sole purpose of reselling by the Respondent. A search conducted of the Respondent’s contact phone number (+1.[...]) on www.unknownphone.com, indicates the phone number is rated as ‘dangerous’ on the website and has been associated with scam calls. Further, online users have commented in 2015 and 2020 that the phone number was ‘Part of a Domain By Proxy webhosting site, most likely a scam...’ and associated with a domain name, ‘flukywinchances.com through godaddy.com’.”

The Complainant adduces evidence that the Disputed Domain Name has been offered for sale via various websites at differing prices typically in the USD 3000-6000 range. The Complainant then says as follows: "A recent search on the website 'https://www.godaddy.com' on 10 February 2025 shows the Domain Name is no longer offered at a set price, but now offers the option to 'buy it now' together with a brokerage service fee payable to Godaddy of \$201.25. The Complainant has now formed the view that the Respondent, 'tipped off' by Godaddy, has changed its behaviour and belatedly tried to conceal the evidence of bad faith use."

The Complainant also relies upon the doctrine of "passive holding" as establishing bad faith registration and use citing the well-known case of *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003 amongst other cases.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the Disputed Domain Name. The Response makes a large number of points in considerable detail all supported by annexed evidence. The Panel does not intend to address each and every point the Respondent makes but will concentrate on the principal points.

The Respondent says the Disputed Domain Name simply combines two words – "alba" and "oil". So far as alba is concerned it says as follows.

Alba is a common word in several languages, including, without limitation: (a) Italian and Spanish, meaning "dawn" or "sunrise"; (b) Latin, Romanian, Croatian and Bosnian, meaning "white"; and (c) Czech meaning "albums".

It also says that, in "Neo-Latin scientific terminology", "alba" means "white", making it the routine color-descriptor in binomial species names and anatomical Latin. Thousands of botanical taxa use the term alba to denote a white-flowering or pale variety, e.g., *Rosa alba* (white rose), *Betula alba* (silver birch), and *Salix alba* (white willow). It says the same convention applies in a number of other scientific fields.

It then says "Alba" is also a common place-name, being the name for cities, towns or other geographical locations. This includes, without limitation: (i) the Gaelic name for Scotland (ii) the historic wine-capital Alba, Piedmont in northern Italy (making "alba" a common wine term); (iii) the administrative Alba County (Județul Alba) in central Romania, whose seat is the medieval city of Alba Iulia. At least 20 other geographical locations throughout the world are named "Alba".

Additionally, it says that "Alba" is also an extremely common given name and surname. The English version of Wikipedia includes over 50 notable people with the given name "Alba" and 20 notable people with the surname "Alba".

The Respondent then says (with supporting evidence) that the WIPO Global Brand Database includes 434 active trademark registrations worldwide that exactly match the term "Alba". If inactive trademark registrations are included, this number jumps to 900. Further, 2,479 active registrations include the term "alba".

So far as "oil" is concerned the Respondent says it is an archetypal dictionary word that refers to a vast and diverse category of substances used across unrelated industries and disciplines. It encompasses everything from crude petroleum and industrial lubricants to culinary oils like olive or canola, as well as cosmetic oils, essential oils, medicinal oils, and even artistic mediums such as linseed oil for paints. The term holds no inherent connection to any one brand or entity and is used descriptively by countless businesses worldwide.

The Respondent then says that the Complainant is a family-owned company with modest advertising expenditures even within the context of a domestic market and far below the levels typically associated with famous or widely recognized marks. These limited marketing efforts further demonstrate that the Complainant is not a household name, nor does it enjoy broad consumer recognition, even in Australia.

In the context of UDRP jurisprudence, such minimal advertising spend is wholly insufficient to support a finding of global fame or distinctive character, and instead reinforces the conclusion that the Complainant is a small-scale, regionally known brand not likely to have been known or targeted by a United States-based domain investor.

The Respondent says that there is no evidence that the Respondent knew of the Complainant or its mark when it acquired the Disputed Domain Name, nor any reason it should have. Instead all available facts point to a standard, good-faith acquisition of a generic, commercially appealing domain name by a professional domain investor, consistent with long-accepted speculative registration practices.

The Respondent says that it acquired the domain name <albababy.com> on July 28, 2021, just two weeks after it acquired the Disputed Domain Name. It says this rapid, back-to-back purchase of two entirely unrelated “Alba + [generic]” combinations underscores a portfolio-investment algorithm focused on the inherent lexical value of the word “Alba”, not on the Complainant’s niche edible-oil brand.

The Respondent says its broader portfolio reinforces the same conclusion. The Respondent holds at least a dozen other domains that pair “Alba” or “Oil” with a wide range of unrelated, wholly generic nouns. These include:

<albababy.com>
<albasport.com>
<albavideo.com>
<albafoods.com>
<albasolo.com>
<albamax.com>
<albavoice.com>
<albayoga.com>
<oilweb.com>
<britoil.com>
<oilpurification.com>
<tigeroil.com>
<lowoil.com>

The Respondent says that the Complainant’s reference to a “dangerous” phone number is misleading. The number in question belongs to Domains by Proxy LLC (a privacy service provided by GoDaddy that is enabled by default for registrants). It is not the Respondent’s phone number, nor is there any evidence of misconduct tied to the Respondent’s use of the service.

The Respondent requests a finding of Reverse Domain Name Hijacking (“RDNH”) against the Complainant, as the Complaint was brought in bad faith and constitutes an abuse of the UDRP process. It says such bad faith is evidenced by the following. The Complainant knew or ought to have known that it could not satisfy the Policy but pressed ahead regardless. Under WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.16, RDNH is warranted where “the complainant knew or should have known that it could not succeed under any fair interpretation of the facts and law”. Here, even a cursory review of the Overview shows that (i) dictionary-word domains are available on a first-come, first-served basis (section 2.10), (ii) passive holding cannot support bad faith where the mark is not famous (section 3.3), and (iii) listing a generic domain for public sale is not itself abusive (sections 3.1.1, and 3.1.4). Further, the evidence makes it clear that the Complainant is not a famous brand. The Respondent says the Complainant nonetheless advanced positions flatly contrary to each of these consensus principles.

The Respondent also says further key factual assertions in the Complaint are plainly inaccurate or misleading. The Complaint repeatedly depicts Respondent’s telephone number as “dangerous” or linked to “scams”, yet the cited third-party website merely lists user speculation with no evidentiary value. In fact, the phone number was the phone number for the GoDaddy’s privacy service used by Respondent; it was not

the Respondent's phone number. Such misleading over-statements reflect an attempt to paint Respondent in a false light to bolster a weak case.

6. Discussion and Findings

In order to succeed the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are:

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

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of the ALBA trademark.

Previous UDRP panels have consistently held that in cases where a domain name incorporates the entirety of a trademark the domain name will normally be considered confusingly similar to that mark. It is established that the first element test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) at section 1.7.

It is also established that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements of other term. The Panel finds that the addition of the term "oil" to the disputed domain name does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), at section 1.8.

It is well established that the Top-Level Domain ("TLD"), in this case ".com", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See [WIPO Overview 3.0](#), at section 1.11.

Accordingly the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

- (i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#) section 2.1

Assuming in the Complainant’s favour that a prima facie case has been established, the Panel nevertheless considers the Respondent has rebutted that case. The Respondent’s clear evidence is that it obtained the Disputed Domain Name because of its lexical content and offered it for sale as part of its legitimate business trading in domain names. [WIPO Overview 3.0](#) at section 2.1 notes as follows “Over the course of many UDRP cases, panels have acknowledged further grounds which, while not codified in the UDRP as such, would establish respondent rights or legitimate interests in a domain name. For example, generally speaking, panels have accepted that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the UDRP”. The Panel considers the same principle applies in relation to a domain name which conjoins two dictionary words and which is held based on its lexical significance, without any targeting of a trademark owner.

See also *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. [D2006-0964](#) where the panel held as follows: “In sum, reselling domain names or using them for advertising links can in certain circumstances represent legitimate interests for purposes of paragraph 4(c) of the Policy, but not in all instances. These practices are most likely to be deemed legitimate under the Policy when:

- the respondent regularly engages in the business of registering and reselling domain names, and/or using them to display advertising links;
- the respondent makes good-faith efforts to avoid registering and using domain names that are identical or confusingly similar to marks held by others;
- the domain name in question is a ‘dictionary word’ or a generic or descriptive phrase;
- the domain name is not identical or confusingly similar to a famous or distinctive trademark; and
- there is no evidence that the respondent had actual knowledge of the complainant’s mark.”

The Panel agrees with that approach and again considers it applies in relation to a domain name which conjoins two dictionary words and which is held based on its lexical significance, without any targeting of a trademark owner.

Accordingly the Panel concludes the Complainant has failed to establish that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The second condition of paragraph 4(a) of the Policy has not been fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

The Panel finds on the evidence that the Respondent registered the Disputed Domain Name because it involves the conjoining of two separate words which the Respondent considered attractive as an investment. "oil" is clearly a common dictionary word. "alba" is less common but the Respondent's evidence provides multiple instances of its use in a range of different contexts (see above). The Respondent's evidence that it registered <albababy.com> at about the same time, and its ownership of seven other domain names including the word alba provide convincing support to the Respondent's argument.

There is also no evidence to suggest any reason why the Respondent should have known of the Complainant or its business. The Complainant has provided little evidence about the size of its business, save for details of annual marketing expenditure. It says these are confidential so the Panel will not set the figures out in this decision, but it agrees with the Respondent's characterisation of them as "modest". There is no other evidence as to the size of the Complainant's business. There is nothing to suggest it has any fame or reputation in the United States. In summary it appears to be a long standing but relatively modest business based in Australia in a relatively specialist line of business with some export activity to countries in Asia, Africa, and South America. The Panel sees no reason to doubt the Respondent's claim that it had no knowledge of the Complainant when it purchased the Disputed Domain Name. In the circumstances, there is no evidence to suggest the Respondent registered the Disputed Domain Name with knowledge of the Complainant's trademark and therefore with the intention of taking unfair advantage of that trademark. It cannot therefore have registered it in bad faith for the purposes of the Policy (see [WIPO Overview 3.0](#), section 3.8).

Further there is nothing to suggest the Respondent has used the Disputed Domain Name in bad faith. In circumstances where a domain name is legitimately held the owner is entitled to offer it for sale. The fact that the price may have varied from time to time is irrelevant. The Respondent has convincingly demonstrated that allegations based on a supposedly dubious telephone number are without any foundation (see above). That cannot amount to bad faith use.

The Panel does not consider the doctrine of passive holding assists the Complainant. In *Telstra Corp. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), relied upon by the Complainant, the panel's reasoning was based on a finding that "it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law". The same is not the case here. There are, for reasons discussed above, any number of legitimate possible uses for the Disputed Domain Name by persons unconnected with the Complainant.

Accordingly the third condition of paragraph 4(a) of the Policy has not been fulfilled.

7. Reverse Domain Name Hijacking

RDNH is defined under the Rules as “using the Policy in bad faith to attempt to deprive a registered domain-name holder of a domain name”.

Paragraph 15(e) of the Rules provides that, if “after considering the submissions the panel finds that the complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or was brought primarily to harass the domain-name holder, the panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding”.

As set out in the [WIPO Overview 3.0](#) section 4.16, reasons articulated by panels for finding RDNH include: “(i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant’s lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (such as registration of the disputed domain name well before the complainant acquired trademark rights, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel, (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant’s failure to disclose that a case is a UDRP refiling, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, (viii) basing a complaint on only the barest of allegations without any supporting evidence.”

In the view of the Panel this is a complaint which should never have been launched. The Complainant should have appreciated that establishing registration and use in bad faith in respect of a domain name which was a conjoining of two words and where there was no evidence of any targeting of the Complainant was likely to involve difficult considerations. The Complaint itself contained the following passage: “Annexed to this Complaint and marked as Annex 21 is a copy of the trade mark search results from the World Intellectual Property Organization’s Global Brand Database for the brand name ‘ALBA’ for goods or services comprising ‘oil’. The only businesses with registered trade marks for the brand ‘ALBA’ (solus) for oil related goods are the Complainant, and three third parties: Alba Thermal Springs Pty Ltd (Australia) in respect of various cosmetic oils, Avalon Natural Products, Inc. (USA) in respect of sun-tan oil, and ALBA Group plc & Co. KG (Germany) in respect of industrial oils.” In the view of the Panel that information should have alerted the Complainant and its advisers to the fact that there were multiple businesses that could legitimately have an interest in the Disputed Domain Name and that absent any evidence of targeting directed at the Complainant the Complaint was not likely to succeed. A simple Internet search should have alerted the Complainant or its advisers to the fact that “alba” has multiple different meanings including various geographic locations; as a given and family name; as part of a scientific taxonomy classification scheme; and with various other meanings in languages other than English. The Panel agrees with the Respondent’s rhetorical observation that “AlbaOil.com could naturally serve an energy exploration venture in Scotland, an olive-oil exporter from the city of Alba, an aromatherapy brand specializing in *Salvia alba* (white sage) essential oil, or a cosmetics company marketing ‘dawn-inspired’ face oils”. In the view of the Panel these sorts of possibilities should have been apparent to the Complainant and its advisers. The Panel also considers the Complainant’s argument based on what it incorrectly alleged was the Respondent’s telephone number was misplaced and inaccurate.

In all the circumstances the Panel agrees with the Respondent that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

8. Decision

The Panel finds that the Complainant was brought in bad faith and constitutes an abuse of the administrative proceeding. For the foregoing reasons, the Complaint is denied.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: August 1, 2025