

ADMINISTRATIVE PANEL DECISION

SSAB Technology AB v. Naresh Patel, Diamond Alloys Inc
Case No. D2025-2184

1. The Parties

The Complainant is SSAB Technology AB, Sweden, represented by Fidus Law Chambers, India.

The Respondent is Naresh Patel, Diamond Alloys Inc, India.

2. The Domain Name and Registrar

The disputed domain name <bhnhardoxplate.com> (the “Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 4, 2025. On June 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 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 amendment to the Complaint on June 18, 2025.

The Center verified that the Complaint together with the amendment to the 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2025. The Respondent sent email communications to the Center on July 4 and 12, 2025. The Center sent an email regarding the possible settlement between the Parties on July 15, 2025. The Complainant did not request the suspension.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on July 22, 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 wholly owned subsidiary of SSAB AB and part of the SSAB Group of Companies. SSAB AB is a steel company active in the high-strength steels segment and related services. With historical roots dating back to 1878, the Complainant is part of an established presence in the Swedish and global steel industries.

The Complainant is the owner of numerous HARDOX trademark registrations, including:

- the Canadian Trademark Registration for HARDOX (word) No. TMA318733, registered on September 19, 1986;
- the Indian Trademark Registration for HARDOX (word) No. 621654, registered on March 9, 1994; and
- the European Union Trademark Registration for HARDOX (figurative) No. 009959933, registered on November 10, 2011.

The Complainant's trademark HARDOX has been used, inter alia, in domain names associated with the Complainant and its activities, such as <hardoxwearparts.com> and <hardoxinmybody.com>.

The Domain Name was registered on March 18, 2024.

The Complainant provided screenshots showing that the Domain Name previously resolved to a website operated by Diamond Alloys Inc., an Indian company presenting itself as a global supplier of steel products, including the HARDOX-branded products (the "Website").

On November 18, 2024, the Complainant sent a legal notice to the contact details listed on the Website, requesting the takedown of the Website, transfer of the Domain Name, and cessation of use of the HARDOX trademark. According to the Complainant, the Respondent removed references to the HARDOX trademark from the Website. However, the Respondent has not transferred the Domain Name to the Complainant.

As of the date of this Decision, the Domain Name still resolves to the Website, with references to the HARDOX trademark having been removed from the Website.

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 Domain Name.

First, the Complainant contends that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions regarding the Domain Name.

6. Discussion and Findings

6.1. Preliminary Matters – Supplemental Filings

On June 4, 2025, the Respondent sent an email to the Center referring to a different domain name, <bhnhardox.com>, rather than the Domain Name. The Respondent asserted that this domain name was lawfully purchased on the open market and differs from the Complainant's trademark. The Respondent also offered to sell the domain name for INR 50 million.

On July 12, 2025, the Respondent submitted a second email, referring again to a different domain name, <bhnhardox.com>, rather than the Domain Name. The Respondent asserted that the term "BHN" stands for Brinell Hardness Number, commonly used in the steel industry, and that the domain was intended to share general trade-related information without infringing the Complainant's trademark. The Respondent denied any bad faith or intent to mislead, and expressed willingness to add disclaimers or discuss a potential transfer of the domain name in an amicable manner.

On 15 July 2025, the Center reiterated that the Domain Name is <bhnhardoxplate.com> and acknowledged the Respondent's earlier email. Following this clarification, the Respondent did not submit any arguments specifically addressing the correct Domain Name.

The Panel notes that the Rules provide for the submission of the Complaint by the Complainant and the Response by the Respondent. No express provision is made for supplemental filings by either Party, except in response to a deficiency notification or if requested by the Center or the Administrative Panel.

Paragraphs 10 and 12 of the Rules in effect grant the Panel discretion to determine the admissibility of supplemental filings (including further statements or documents) received from either Party. Thus, it is in the discretion of the Panel to determine whether to consider and/or admit any supplemental filing in rendering its decision.

UDRP panels have repeatedly affirmed that the party's submission of supplemental filing or its request to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some "exceptional" circumstance). See section 4.6 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In this case, the Respondent has not demonstrated any exceptional circumstances justifying the need for supplemental submissions. Notably, the Respondent repeatedly referred to a different domain name, <bhnhardox.com>, rather than the Domain Name, and failed to provide any arguments specifically addressing the correct Domain Name, even after the Center reiterated the accurate Domain Name in its communication of July 15, 2025. In the absence of a clear justification or demonstrated relevance to the Domain Name, the Panel finds no basis to consider these unsolicited communications.

Accordingly, the Panel disregards the Respondent's supplemental filings.

6.2. Substantive Matters – Three Elements

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the

Complainant has rights;

- (ii) the Respondent has no rights or legitimate interests in the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”. See section 4.2 of the [WIPO Overview 3.0](#).

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid registrations for the HARDOX trademark. The Domain Name incorporates this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. [D2003-0696](#).

The addition of the terms “bhn” and “plate” in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the HARDOX trademark. Panels have consistently held 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. See section 1.8 of the [WIPO Overview 3.0](#).

The generic Top-Level Domain “.com” in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Name is confusingly similar to the Complainant’s HARDOX trademark for purposes of the Policy. In sum, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made 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 prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

In the present case, the Complainant’s HARDOX trademark registrations predate the Respondent’s registration of the Domain Name. There is no evidence in the case record that the Complainant has licensed

or otherwise permitted the Respondent to use the HARDOX trademark or to register the Domain Name incorporating this trademark.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Name.

The Panel notes that the Domain Name previously resolved to the Website promoting the Respondent as an exporter, supplier, and wholesaler of a broad range of steel products serving various industrial sectors, including those of the Complainant and its competitors. As of the date of this Decision, the Domain Name continues to resolve to the Website, albeit with references to the HARDOX trademark having been removed. The Panel is of the view that such use of the Domain Name, in conjunction with its composition, does not confer any rights or legitimate interests upon the Respondent, as it falsely implies an affiliation or association with the Complainant.

For completeness, prior UDRP panels have recognized, further to section 2.8.1 of the [WIPO Overview 3.0](#), that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the "Ok! Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

In the present case, the above referred requirements are not met. The Domain Name falsely suggests an affiliation with the Complainant and its HARDOX trademark. The Panel believes that the use of the Complainant's trademark in the Domain Name (and previously at the Website) misleads Internet users regarding the lack of relationship between the Respondent and the Complainant, as Internet users may falsely believe that the Respondent is an entity associated with the Complainant. At the same time, the relationship between the Respondent and the Complainant (or a lack thereof) is not disclosed on the Website. This perpetuated the false impression of a relationship between the Respondent and the Complainant.

Additionally, the Respondent has not used the Website solely to offer HARDOX trademarked goods of the Complainant, but instead promotes a broad range of goods, including those of the Complainant's competitors.

Finally, the Complainant suggests that the HARDOX-branded products which were offered on the Website were not genuine.

Given the above, there are no circumstances in evidence which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Name. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the HARDOX trademark predate the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration. This finding is supported by the use of the HARDOX trademark in the Domain Name, its prior use on the Website, and the promotion of products closely resembling those offered by the Complainant.

Moreover, it has been established to the Panel's satisfaction that the Complainant's HARDOX trademark is well known and unique to the Complainant, at least within the steel industry. Accordingly, the Respondent could not reasonably ignore the reputation of goods under this trademark, when offering goods in the same commercial sector. In sum, the Panel finds it more likely than not that the Respondent registered the Domain Name with the expectation of taking advantage of the reputation of the Complainant's HARDOX trademark.

Finally, following the Complainant's legal notice, the Respondent removed references to the HARDOX trademark from the Website, further indicating awareness of the Complainant's rights.

The Panel thus finds that the Domain Name has been used in bad faith by the Respondent to attract Internet users to the Website. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Website.

For the reasons discussed above, the Panel finds the third element of the Policy has been established.

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 Domain Name <bhnhardoxplate.com> be transferred to the Complainant.

/Piotr Nowaczyk/

Piotr Nowaczyk

Sole Panelist

Date: August 5, 2025