

ADMINISTRATIVE PANEL DECISION

Alimak Group Management AB v. Hamady Bros. Supermarkets, Mario Huggins
Case No. D2025-2566

1. The Parties

The Complainant is Alimak Group Management AB, Sweden, represented by Abion AB, Sweden.

The Respondent is Hamady Bros. Supermarkets, Mario Huggins, United States of America.

2. The Domain Name and Registrar

The disputed domain name <ailmakgroup.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2025. On July 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Registration Private Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 3, 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 July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2025.

The Center appointed Lorenz Ehrler as the sole panelist in this matter on August 7, 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, Alimak Group Management AG, belongs to the Alimak Group which is a global provider of sustainable vertical access and working at height solutions with its headquarter in Stockholm, Sweden. It has elevators, service lifts, temporary and permanent hoists and platforms and building maintenance units around the world. The Alimak Group is present in more than 120 countries with approximately 3,000 employees.

The Complainant owns several trademark registrations in various jurisdictions, including in particular:

- International trademark: ALIMAK, Reg. No. 1622403, Registration Date: December 12, 2019
- United States of America trademark: ALIMAK, Reg No. 1673194, Registration Date: January 28, 1992
- European Union trademark: ALIMAK Reg. No. 018089420 Registration Date: March 7, 2020

Furthermore, the Complainant holds the domain names <alimak.com> and <alimakgroup.com>, created on April 3, 1996 and March 26, 2015, respectively, which both resolve to the Alimak Group's official website.

The disputed domain name was registered on May 30, 2025, and is thus clearly posterior to the Complainant's trademarks.

The disputed domain name resolves to a parking page that displays links to third party offers, including the Complainant's competitors. Also, the disputed domain name was used as an email address for phishing messages sent to third parties.

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.

Notably, the Complainant contends that the disputed domain name <ailmakgroup.com> is confusingly similar to its ALIMAK trademarks. The Complainant in particular argues that the disputed domain name inverts the letters "l" and "i" and also adds a term, "group". Nevertheless, it is still possible to identify the Complainant's trademark.

Furthermore, the Complainant states that the Respondent is not affiliated with its group and that no license has been granted to the Respondent to use the Complainant's trademarks. Also, the Respondent does not use the disputed domain name otherwise than for a parking page with links to third party offers and for fraudulent emails, both of which cannot represent any fair use.

Lastly, the Complainant contends that the Respondent registered and uses the disputed domain names in bad faith because the Respondent knew or should have known of the Complainant's trademark, which is proven in particular by the fact that the Respondent sent fraudulent emails to third parties, impersonating the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) The disputed domain name registered by the Respondent 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 respect of the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant holds various trademarks for ALIMAK. These trademarks are registered in various countries, including in the United States of America, where the Respondent seems to reside. The trademarks put forward by the Complainant are sufficient to ground the Complaint.

Under the UDRP, the identical or confusingly similar requirement under paragraph 4(a) of the Policy 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 recognisable within the disputed domain name. There is no requirement of similarity of goods and/or services (e.g., *AIB-Vincotte Belgium ASBL, AIB-Vincotte USA Inc./Corporation Texas v. Guillermo Lozada, Jr.*, WIPO Case No. [D2005-0485](#)).

The existence of a confusing similarity within the meaning of paragraph 4(a) of the Policy is not in doubt in the present case, given that the main element in the disputed domain name, i.e. “ailmak” is quasi-identical with the Complainant’s distinctive trademark ALIMAK. The incorporation of a trademark in its entirety is typically sufficient to establish that a domain name is identical or confusingly similar to a trademark (*RapidShare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin*, WIPO Case No. [D2010-1059](#)).

Moreover, as Complainant rightly mentions, a domain name which consists of a common, obvious or intentional misspelling of a trademark is considered to be confusingly similar to the relevant mark (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9). The inversion of the letters “l” and “i” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark.

Taking into account that the trademark ALIMAK is recognisable, the other element of the disputed domain name, i.e. the word “group” (which refers to the Complainant’s company name which contains the word “group”), does not prevent a finding of confusing similarity ([WIPO Overview 3.0](#), section 1.8).

As far as the generic Top-Level Domain (“gTLD”) “.com” is concerned, this element has a technical function and therefore does not need to be taken into account when assessing the issue of identity or confusing similarity.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant has shown that it owns the ALIMAK trademark, and it has explicitly contested having granted the Respondent any right to use its trademark.

In particular, the Complainant contends (i) that the Respondent has not been commonly known as “Ailmak Group” and (ii) that it has not used, or demonstrably prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. To the contrary, the Complainant has shown that

the disputed domain name is resolving to a website that contains sponsored links to third party competitors' websites, which – in the absence of any authorisation by the Complainant – cannot be possibly viewed as a bona fide use. Actually, it seems very likely that the Respondent receives commercial revenue from the display of links to third party offerings. For this reason, there is no bona fide offering of goods or services according to paragraph 4(c)(i) of the Policy (*Baccarat SA v. Speedeenames.com / Troy Rushton*, WIPO Case No. [D2010-0953](#)).

Also, the Complainant rightly points out that the emails sent by the Respondent impersonating the Complainant is all the contrary of a bona fide use. Panels have held that where the respondent demonstrably uses the domain name in bad faith, it is obvious that they do not have any rights or legitimate interests in the disputed domain names (*Ingenico Group v. Sammi Wilhi, Lng Group Pty Ltd*, WIPO Case No. [D2019-1079](#)).

The use of a term highly similar to the Complainant's trademark in the disputed domain name together with the word "group" (which refers to the Complainant's company name which contains the word "group") creates the false impression that the Internet user is on Complainant's website, thus causing confusion.

Therefore, the Complainant has made a prima facie showing that the Respondent has no rights or legitimate interests in the disputed domain name. In line with previous UDRP panel decisions, this means that the burden of production shifts to the Respondent (e.g., *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Respondent having failed to respond to the Complaint, this Panel concludes that the Respondent does not have any rights or legitimate interests with respect to the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must, in addition to the matters set out above, demonstrate that the disputed domain name has been registered and is being used in bad faith.

The undisputed prima facie evidence establishes that the Respondent is not affiliated with the Complainant and has no license or other authorisation to use the Complainant's trademark.

The Respondent registered the disputed domain name well after the Complainant's trademark was in use. The Panel finds that the Respondent should have known about the Complainant's trademark and business when registering the disputed domain name. This Panel considers that the disputed domain name by itself is a strong indication that the Respondent was aware of the Complainant's trademark ALIMAK, as it seems more than unlikely that the Respondent would have created – randomly – the disputed domain name that includes a term that is highly similar to the Complainant's distinctive trademark together with another term which refers to the Complainant's company name (*cf. Motul v. Contact Privacy Inc. Customer 0138693539 / Konstantin Speranskii*, WIPO Case No. [D2016-2632](#)).

Any remaining doubt in this respect can be excluded when considering the fact that the Respondent, shortly upon registration of the disputed domain name, sent phishing emails to third parties impersonating the Complainant. This shows indeed that the Respondent registered the domain name in view of a fraudulent scheme, which implies that it was well aware of the Complainant's company and trademark. Previous UDRP panels have recognized that one of the ways in which domain names may be used is in connection with email fraud schemes, whereby it is irrelevant whether the domain name in dispute resolves to a website or not. One of such fraud schemes consists in phishing (*B & H Foto & Electronics Corp. v. Whois Privacy Protection Service, Inc. / Jackie Upton*, WIPO Case No. [D2010-0841](#)).

Also, the Respondent is using the disputed domain name to display links to third party offers, including to competitors' offers, and that it thereby intends to generate commercial revenue. The Panel therefore finds

that by using a domain name that is confusingly similar with the Complainant's trademark to redirect Internet users to third party websites, the Respondent creates a likelihood of confusion, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy.

This Panel therefore holds the view that the disputed domain name was registered and is used in bad faith. The Complainant therefore has established registration and use of the disputed domain name in bad faith.

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 <ailmakgroup.com> be transferred to the Complainant.

/Lorenz Ehrler/

Lorenz Ehrler

Sole Panelist

Date: August 13, 2025