

## **ADMINISTRATIVE PANEL DECISION**

ABB Asea Brown Boveri Ltd. v. pavlo rex  
Case No. D2025-3554

### **1. The Parties**

The Complainant is ABB Asea Brown Boveri Ltd., Switzerland, represented by Taylor Wessing Partnerschaftsgesellschaft mbB, Germany.

The Respondent is pavlo rex, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <abbeurope.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2025. On September 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 3, 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 (UNKNOWN/Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 5, 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 September 8, 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 September 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 6, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on October 8, 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, ABB Asea Brown Boveri Ltd., is part of ABB Group, a worldwide group of companies operating in particular in the field of power and automation technology with over 100,000 employees in over 100 countries worldwide. The Complainant's group has been on the Global 500 list for 24 consecutive years, which ranks the world's largest companies.

The Complainant is the owner of numerous trademarks, including the following:

- ABB, United States word mark No. 1674702 registered on February 11, 1992, covering products in classes 6, 7, 9, 11, 12 and 16; and
- European Union figurative trademark No. 002628964 depicted below, registered on November 21, 2003, and covering products and services in classes 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 26, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45:



The Disputed Domain Name was registered on July 14, 2025. According to the evidence filed by the Complainant, the Disputed Domain Name resolved to a website including the Complainant's marks, using the look and feel, pictures and other content of the Complainant's official website. The Disputed Domain Name currently does not resolve to an active 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 Disputed Domain Name.

Notably, the Complainant contends that the Disputed Domain Name is confusingly similar to a trademark in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as:

- on the website linked to the Disputed Domain Name, the Respondent falsely claimed to be the representative of ABB Group, i.e., the Complainant in Europe. The Respondent was not only copying and using the identical ABB logo but also using several elements that can be identically found on the Complainant's official website;
- the Complainant has not given its consent to the registration of the Disputed Domain Name and the use of the "ABB" logo on the related website.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant, the mere fact that the Respondent registered a domain name that is highly similar to the well-known ABB trademarks and the Respondent is copying the Complainant's well-known figurative mark on the related website shows that the Respondent acted in bad

faith. The Disputed Domain Name was clearly registered with the intent of misleading Internet users as to the commercial origin of the offers and the related website, presumably for commercial gain.

## **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 (textual components of 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.

Based on the available record, the Panel finds 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 observes that the entirety of the ABB mark is reproduced within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of another term – here, "europe" – does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is well established that generic Top-Level-Domains ("gTLDs"), here ".com", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.0](#), section 1.11.

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. 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.

The Panel notes that the Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is “pavlo rex”. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. The Disputed Domain Name incorporates the Complainant’s ABB trademark in its entirety and merely adds the geographical term “europe”. In combination with the Complainant’s mark, the Panel finds that this term can be associated with the Complainant’s business in Europe. According to the Panel, the Disputed Domain Name carries a risk of implied affiliation with the Complainant and cannot constitute fair use.

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, UDRP panels also assess whether the overall facts and circumstances of the case support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

The undated but undisputed evidence provided by the Complainant shows that the Disputed Domain Name resolved to a website reproducing both the Complainant’s word and figurative trademark mentioned above, and copying the look and feel, pictures and other content such as quotes and addresses from the Complainant’s official website. In the Panel’s view, this neither amounts to a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Disputed Domain Name. UDRP panels have categorically held that the use of a domain name for illegitimate activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Disputed Domain Name currently does not appear to resolve to an active web page. In the Panel’s view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either.

Based on the available record, 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. Among these factors demonstrating bad faith registration and use is the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In the present case, the Panel finds it inconceivable that the Respondent was unaware of the Complainant and its trademark rights when it registered the Disputed Domain Name:

- the Disputed Domain Name incorporates the Complainant’s trademark in its entirety, and combines it with a term which can easily be linked to the Complainant’s business and presence in Europe;
- one of the Complainant’s trademarks, covering the Respondent’s country of residence, predates the registration of the Disputed Domain Name by more than 30 years;
- according to the Complainant’s evidence, the Disputed Domain Name referred to a website reproducing both the Complainant’s word and figurative trademark mentioned above, and copying the look and feel, pictures and other content from the Complainant’s official website.

In the Panel’s view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trademark. Given that the use of a domain name for per se illegitimate activity can never

confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Given the totality of the circumstances discussed above, the fact that the Disputed Domain Name currently resolves to an inactive webpage would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

By failing to respond to the Complaint, the Respondent did not take any initiative to contest the foregoing. Pursuant to paragraph 14 of the Rules, the Panel may draw the conclusions it considers appropriate.

Based on the available record, 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 <abbeurope.com> be transferred to the Complainant.

*/Flip Jan Claude Petillion/*

**Flip Jan Claude Petillion**

Sole Panelist

Date: October 22, 2025