

ADMINISTRATIVE PANEL DECISION

ABB Asea Brown Boveri Ltd. v. Andrey Somov
Case No. D2025-3555

1. The Parties

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

The Respondent is Andrey Somov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <abbstore.pro> is registered with Registrar of Domain Names REG.RU LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English 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 5, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 8, 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.

On September 8, 2025, the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On September 8, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 3, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on October 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, ABB Asea Brown Boveri Ltd., is part of the ABB Group, a global company operating in the field of power and automation technologies. The ABB Group employs over 100,000 people in more than 100 countries worldwide and generates billions of USD in annual revenue. The Complainant has appeared on the Global 500 list for 24 consecutive years and has been ranked among the top global companies for innovation and sustainability, including recognition by Fortune Magazine and ABI Research.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its trademarks ABB including, but not limited, to the following:

- International Trademark Registration No. 781902, designating numerous countries, including Russian Federation, registered on March 27, 2002, for the figurative mark ABB, in classes 01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 26, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45; and
- International Trademark Registration No. 781685, designating numerous countries, including Russian Federation, registered on March 27, 2002, for the word mark ABB, in classes 01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 26, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

The Complainant is also the owner of the domain name <abb.com>, registered on February 27, 1990, which corresponds to its official website.

The aforementioned trademarks and domain name were registered prior to the disputed domain name, which was registered on December 24, 2024. The disputed domain name resolved to a website that reproduces the overall look and feel of the Complainant's official website, prominently displays the Complainant's trademarks and logo, and offers products identical to those of the Complainant at discounted prices. The Complainant asserts that these products are unauthorized grey market goods or imitations, given that ABB has ceased all business operations in Russian Federation and that there are no official ABB distributors currently operating in that country.

The Respondent, according to the disclosed Whois information for the disputed domain name, is located in Russian Federation.

At the time of this Decision, the disputed domain name resolves to an inactive 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 asserts that the ABB trademark is globally well-known and enjoys a strong reputation.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's ABB trademark, as it incorporates the entire trademark. The additional descriptive element "store" does not prevent a finding of confusing similarity. The Complainant also asserts that the generic Top-Level Domain ("gTLD") ".pro" should be disregarded under the first element as it is a standard registration requirement.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name since: (1) the Respondent is not commonly known by the disputed domain name; (2) the Respondent is neither affiliated with nor authorized by the Complainant to register or use the disputed domain name; and (3) 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 notes that the Respondent registered the disputed domain name after the Complainant had completely withdrawn from the Russian market, and that the products offered on the associated website are likely grey market or counterfeit goods. Furthermore, the Respondent's use does not satisfy the Oki Data criteria for bona fide reseller activity, as (i) the Respondent is not an authorized reseller and falsely presents itself as associated with the Complainant; (ii) it does not appear to be offering genuine ABB products; and (iii) it fails to accurately disclose its lack of affiliation with the Complainant.

Finally, the Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith. In particular: (1) the ABB trademarks predate the registration of the disputed domain name and are well-known, and the Respondent knew about the Complainant's trademark; (2) the disputed domain name has not been put to any legitimate use and is instead resolves to a commercial website prominently featuring the Complainant's ABB trademarks and logo, and purporting to sell the Complainant's goods at discounted price, thereby attempting to attract Internet users for commercial gain by creating a likelihood of confusion as to source, affiliation, or endorsement with the Complainant.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requests that the proceedings be conducted in English for the following reasons: the disputed domain name is composed entirely of Roman characters rather than Cyrillic, and includes the English term "store," which indicates that the Respondent is familiar with English. The Complainant further points out that the Respondent uses an email address containing English elements.

The Respondent did not make any submissions with respect to the language of the proceeding.

The Center transmitted all case communications to the Respondent in both English and Russian, and invited the Respondent to comment on the language of the proceedings. The Respondent, however, did not submit any comments or Response. Had the Respondent filed a Response in Russian, the Panel would have considered it; however, no Response was received.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all relevant circumstances, the absence of any objection, and the need to avoid undue delay or expenses by translating all materials for the Complainant, the Panel finds it appropriate to exercise its discretion under paragraph 11(a) of the Rules. The Panel concludes that conducting the proceedings in English is fair, reasonable, and efficient and that the Respondent will not be disadvantaged by this decision. Accordingly, the Panel determines that the language of the proceedings shall be English.

6.2. Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "store", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

Indeed, the Complainant has confirmed that the Respondent is neither affiliated with, nor otherwise authorized or licensed by the Complainant to use the ABB trademarks in connection with the disputed domain name or otherwise. Also, there is no evidence that the Respondent is commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The disputed domain name resolved to a Russian-language website that prominently displays the ABB mark and logo, and includes statements such as “ABB circuit breakers are cheaper with us than with competitors thanks to direct supplies” and “we sell only certified ABB switches with a quality guarantee from the manufacturer.” The website footer further reproduces the Complainant’s logo and ABB mark.

The Panel has considered whether the Respondent could be regarded as a reseller or service provider that may have legitimate interests in a disputed domain name under the criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). These criteria require that:

- (i) the respondent must actually offer the goods or services at issue;
- (ii) the respondent must use the website to sell only the trademarked goods or services;
- (iii) the website must accurately and prominently disclose the respondent’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 this case, the Respondent fails to satisfy these requirements. First, the Complainant maintains that the Respondent is not an authorized distributor of its products in the Russian Federation, nor has it been permitted to present itself as an official partner or dealer. The Respondent has provided no evidence to the contrary.

Second, the Respondent’s use of the Complainant’s trademarks - together with the overall appearance of its website, including statements implying factory warranties and official status - creates a misleading impression of affiliation or endorsement by the Complainant.

The website therefore does not “accurately and prominently disclose” the Respondent’s lack of relationship with the Complainant, as required under the Oki Data test. Instead, it appears designed to mislead Internet users into believing that the Respondent is an official dealer of the Complainant. Considering this, the Panel finds that the Respondent does not comply with the requirements of the Oki Data test.

Finally, the Panel finds that the Respondent’s website was deliberately designed to create confusion as to its association with the Complainant and its trademarks, in order to divert traffic, exploit the Complainant’s reputation for commercial gain. Such conduct can never be regarded as a bona fide offering of goods or services under the Policy. [WIPO Overview 3.0](#), section 2.4.

Accordingly, the Complainant has provided evidence supporting its *prima facie* claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has not provided relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name, and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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.

In the present case, the Panel observes that the Complainant's ABB trademarks predate the Respondent's registration of the disputed domain name. The Complainant has operated for decades in the field of power and automation technologies and has consistently appeared in numerous rankings as one of the world's largest industrial corporations. Such long-standing global presence and recognition have contributed to the reputation of the ABB trademark.

The Respondent has deliberately included the Complainant's trademark in its entirety within the disputed domain name, together with the additional descriptive term "store", thereby imparting a commercial connotation to the disputed domain name and its intended use. The corresponding website prominently displayed the ABB trademarks and logo, reproducing the overall look and feel of the Complainant's official website, and presenting itself as an official representative (in Russian language - "представительство") offering "only certified ABB switches with a quality guarantee from the manufacturer". These elements clearly demonstrate that the Respondent was aware of the Complainant's rights and business at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

The Respondent's use of the Complainant's trademark and logo, coupled with its reference to being an official representative, confirms that the disputed domain name was deliberately chosen to create an impression of affiliation with the Complainant. In the Panel's view, the Respondent has intentionally sought to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website or the products offered thereon. Pursuant to paragraph 4(b)(iv) of the Policy, such conduct constitutes evidence of registration and use of the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Accordingly, the Panel finds that, in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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 <abbstore.pro> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: October 21, 2025