

ADMINISTRATIVE PANEL DECISION

ABB Asea Brown Boveri Ltd. v. Rinat Gilmanov

Case No. D2025-3661

1. The Parties

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

The Respondent is Rinat Gilmanov, the Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <abbrus.com> 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 10, 2025. On September 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 11, 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 / Personal data, cannot be publicly disclosed according to applicable laws) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 11, 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 16, 2025.

On September 11, 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 16, 2025, the Complainant confirmed its request that English be the language of the proceedings. 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 in Russian and English of the Complaint, and the proceedings commenced on September 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 8, 2025.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on October 13, 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 part of ABB Group, a worldwide group of companies, operating in the field of power and automation technology with over 100,000 employees in over 100 countries worldwide and, according to the Complainant, billions of USD of annual revenues. Products it supplies are in the areas of high, medium and low voltage, industrial automation, and it also provides services in these areas.

The Complainant has a worldwide portfolio of registered trademarks, including International Trademark Registrations for the mark ABB Nos. 781685, 781902 (figurative), 781684 (figurative), all registered on March 27, 2002, and International Trademark Registration No. 664858 (figurative) registered on October 17, 1996.

The Complainant's products and services are presented and advertised on the ABB websites at "www.global.abb/group/en" and "www.new.abb.com".

The disputed domain name was registered on February 20, 2024, and resolves to a website in the Russian language that, without approval, adopts the Complainant's visual style, prominently displays its figurative trademark and purports to be a "reliable dealer" representing the Complainant in the Russian Federation.

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.

The Complainant says that it ceased all operations in the Russian Federation by liquidating its subsidiary and terminating the contracts with distribution partners in 2022. It says that since that time the ABB Group has no longer supplied to the Russian Federation territory with its ABB-branded products, especially as some of these are or may be subject to sanctions. The website to which the disputed domain name resolves nonetheless purports to be that of a Russian company based in St. Petersburg that offers a comprehensive range of ABB products, which according to the Complainant are quite obviously grey goods or even imitations. In addition, the Complainant points out, the operator of the website claims to be a "Trusted ABB dealer," when in fact ABB has ceased all business in the Russian Federation and therefore there are no "Trusted ABB dealers" there. The Respondent even provides on the website to which the disputed domain name resolves alleged testimonials from costumers, which the Complainant says are fake. The Complainant adds that the Respondent's offers in connection with ABB-branded products create the false impression that the Complainant continues to supply products to the Russian Federation. The Complainant claims further that this creates the false impression that the Complainant is violating Swiss and European Union sanctions, which would make the Complainant liable to prosecution, the Complainant adds.

Further, the Complainant contends that the element "abb" in the disputed domain name is identical to the Complainant's ABB trademarks. The Complainant points out that in the disputed domain name the initial letters "abb" have a dominant position, and the element "rus" is simply descriptive under trademark law as it

is a clear abbreviation for “russia”. Thus, according to the Complainant, the disputed domain name conveys the impression to Internet users that it refers to a local Internet presence of the Complainant in the Russian Federation.

The Respondent registered the disputed domain name on February 20, 2024, but at that time, the Complainant had already completely discontinued its business in the Russian Federation and there were no longer any legitimate ABB products from the Complainant made available in the Russian Federation. The Respondent also has no rights or legitimate interests in registering and using the disputed domain name very similar to the Complainant’s mark, the Complainant says, and it is not operating a legitimate “reseller” website. The Complainant contends that the overarching principle of the Oki Data approach is that any use of a domain name cannot be “fair” if it suggests affiliation with the trademark owner. Where the disputed domain name consists of a trademark plus an additional term (at the second level), UDRP jurisprudence broadly holds that this cannot constitute nominative fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner, the Complainant contends. The Complainant adds that it is not a legitimate use if the website offers allegedly lawfully labelled branded goods of the manufacturer in question, but which have been unlawfully brought into the territory concerned. The website offers what are certainly grey imports, if not counterfeit products, and the Respondent’s website gives the impression that it is the Complainant’s official dealer in the Russian Federation, which is not the case, the Complainant points out. Furthermore, the Respondent’s website does not accurately and obviously disclose the relationship between the Respondent and the Complainant and such content of the Respondent’s website may have misled users by giving the false impression that the site is licensed or otherwise endorsed by the Complainant.

According to the Complainant, it is evident that the Respondent was aware of the Complainant and the Complainant’s trademarks when registering the disputed domain name. It is a reasonable inference in the circumstances that the Respondent registered the disputed domain name based on the attractiveness of the Complainant’s trademarks, in order to drive traffic to the Respondent’s website, where the Respondent offers products which are either grey imports or counterfeit products. In the attendant circumstances it is likely that the Respondent’s primary motive in relation to the registration and use of the disputed domain names was to capitalize on, or otherwise take advantage of, the Complainant’s trademark rights, for commercial gain.

In conclusion, the Complainant reiterates that the Respondent has registered and used the disputed domain name in bad faith. The bad faith also extends to the false claim that the Respondent is a “Trusted ABB dealer,” which creates the impression that the Complainant is bypassing sanctions.

B. Respondent

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

6. Discussion and Findings

Language of the Proceedings

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 proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that according to paragraph 11 of the Rules, the language of the administrative proceedings shall be the language of the registration agreement unless the Panel decides otherwise, and that the spirit of paragraph 11 is to ensure fairness in the selection of language by giving full consideration to the Parties’ level of comfort with each language, the expenses to be incurred and possibility of delay in the proceedings in the event translations are required and other relevant factors. The

Complainant then asserts that it is obvious from all circumstances of the case that the Respondent has sufficient ability to communicate in the English language. Although the website is in Russian, the Complainant points to the fact that the Respondent provides the contact email address incorporating an English dictionary term and also “rus” as a clear abbreviation for the word “russia”, which are clear indications that the Respondent is familiar with the English language.

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 (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

The Panel also notes that the Respondent has submitted no objections to the Complainant’s request that the language of the proceedings be English and has not filed a response in either Russian or English.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

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 Panel finds the mark is recognizable 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 “rus”, may bear on the 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 the 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 Complainant has not authorized the Respondent's use of the ABB trademark that it owns. Nor is the website to which the disputed domain name resolves that of a legitimate reseller of the goods of the Complainant. The Panel notes that the disputed domain name incorporates the entirety of the Complainant's trademark along with the term "rus". Further, given the content of the website hosted on the disputed domain name, which lacks any disclaimer as to the lack of relationship between the Respondent and the Complainant and, on the contrary, falsely suggests that it is the website of a "trusted dealer" of the Complainant, the disputed domain name cannot qualify as fair use.

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 notes that the Respondent has established a website at the disputed domain name, that purports to be and presents as if it is the Russian "reliable dealer" of the Complainant. In reality the Complainant has no presence in the Russian Federation and does not currently supply its products or do business there, and, in any case, the website misleadingly imitates that of the Complainant and replicates its trademarks without permission or authorization. This indicates that the Respondent was perfectly aware of the Complainant and its rights at the time of registration of the disputed domain name, and registered the latter for a nefarious purpose, that is, to falsely present itself as an authorized distributor of the Complainant's products in the Russian Federation. The Complainant says that the products offered on the relevant website are either grey goods or counterfeit goods, since they cannot have been officially supplied by it, as it ceased doing business in the Russian Federation in 2022. Further, as noted above, while UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, the disputed domain name and the manner in which it has been used do not qualify as fair use.

It is thus manifest that the Respondent registered and is using the disputed domain name incorporating the ABB trademark of the Complainant in bad faith to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

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 <abbrus.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: October 27, 2025