ADMINISTRATIVE PANEL DECISION

ABB Asea Brown Boveri Ltd. v. Oleg Y Pankin
Case No. D2026-0240

1. The Parties

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

The Respondent is Oleg Y Pankin, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <abb-market.store> is registered with Beget LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 21, 2026. On January 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 28, 2026, 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/ Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 28, 2026, 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 January 28, 2026.

On January 28, 2026 the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On January 28, 2026, 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 January 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 19, 2026.

The Center appointed Alissia Shchichka as the sole panelist in this matter on February 24, 2026. 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 fields of electrification, power, and automation. The ABB Group employs more than 100,000 people across over 100 countries and generates billions of U.S. dollars in annual revenue. The Complainant has been listed on the Global 500 list for 24 consecutive years and has been ranked among the world's leading 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 counties, 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 counties, 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 February 12, 2025. The disputed domain name previously resolved to a website prominently displaying the Complainant's ABB trademarks and logo. The website offered products identical to those marketed by the Complainant and also featured products from one of the Complainant's direct competitors. The Complainant submits that these products constitute unauthorized grey-market goods or counterfeit products, particularly given that ABB has ceased all business operations in the Russian Federation and that no authorized ABB distributors are 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 "-market" does not prevent a finding of confusing similarity. The Complainant also asserts that the generic Top-Level Domain ("gTLD") ".store" 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. In particular, the Respondent registered the disputed domain name after the Complainant had completely withdrawn from the Russian market, and the products offered on the associated website are likely grey market or counterfeit goods. Furthermore, the Respondent's use does not meet the Oki Data criteria for bona fide reseller activity, as: (i) the Respondent is not an authorized reseller; (ii) the website also offers competing products; (iii) the Respondent does not appear to be offering genuine ABB products; and (iii) the website fails to accurately disclose the Respondent's 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 Complainant's trademarks predate the registration of the disputed domain name, are well-known, and the Respondent was aware of the Complainant's trademark at the time of registration; and (2) the disputed domain name has not been put to any legitimate use but instead resolves to a commercial website prominently featuring the Complainant's ABB trademarks and logo and purporting to sell the Complainant's goods, 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 English be the language of the proceeding. In support of this request, the Complainant submits that, although the website associated with the disputed domain name is in Russian, it is apparent from the circumstances of the case that the Respondent has sufficient ability to communicate in English.

In particular, the disputed domain name includes the English term "market". Moreover, the Respondent provides the contact email address which contains the English term "order". The Complainant contends that the use of these English terms in both the disputed domain name and the contact email address constitutes clear indications that the Respondent is familiar with the English language.

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 Select UDRP Questions, ("WIPO Overview 3.1"), 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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, 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 3.1, section 1.7.

Although the addition of other terms here, "-market", 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 3.1, 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 that 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 3.1, 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 disputed domain name previously resolved to a Russian-language website prominently displaying the Complainant's trademark and logo. The website included statements (in Russian, here translated into English) such as: "our online store has become one of the leading selling ABB and WAGO products in Russia", "we have developed partnerships with manufacturers that allow us to offer high-quality products at competitive prices"; that they offer "one of the widest assortments of ABB equipment in the city and the country"; and that they sell "only certified and legally sourced goods" .

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 of all, the Complainant maintains that the Respondent is not an authorized distributor of its products in the Russian Federation. The Respondent has provided no evidence to the contrary.

Second, the Respondent's use of the Complainant's trademarks - combined with the overall appearance of its website - including references to "partnerships with manufacturers", claims of offering one of the widest assortments of the Complainant's equipment in the country, and assurances that it sells only certified and legally sourced goods with warranty service - creates a misleading impression of affiliation or endorsement by the Complainant. Furthermore, the website offers not only ABB products but also products of a direct competitor.

The website also failed to accurately and prominently disclose the Respondent's lack of relationship with the Complainant, as required under the Oki Data test. Instead, it appears to be designed to mislead Internet users into believing that the Respondent is an authorized partner of the Complainant. Considering this, the Panel finds that the Respondent does not comply with the requirements of the Oki Data test. WIPO Overview 3.1, section 2.8.1.

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 3.1, 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 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 "-market", thereby reinforcing the commercial connotation of the disputed domain name and its intended use. The corresponding website prominently displayed the ABB trademarks and logo, and presented the Respondent as a company founded in 2022 whose online store had become one of the leading sellers of ABB products in Russian Federation. The website claimed to specialize in wholesale and retail sales of the Complainant's low-voltage equipment, to maintain its own warehouse stock, and to offer certified goods with warranty service. 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 3.1, section 3.2.2.

The Respondent's use of the Complainant's trademark and logo, combined with representations suggesting partnerships with manufacturers and the scale and legitimacy of its operations, 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 3.1, 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 <abb-market.store> be transferred to the Complainant.

/Alissia Shchichka/
Alissia Shchichka
Sole Panelist
Date: February 27, 2026.