ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Arla Foods Amba v. Nguyen Van Tai
Case No. D2026-0674

1. The Parties

Complainant is Arla Foods Amba, Denmark, represented by Abion GmbH, Switzerland.

Respondent is Nguyen Van Tai, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <arlamilk.food> (the "Domain Name") is registered with iNET Software Company Limited (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 17, 2026. On February 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 23, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy / Unknown Respondent) and contact information in the Complaint. The Center sent an email communication to Complainant on February 23, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 24, 2026.

On February 23, 2026 the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the Domain Name is Vietnamese. On February 24, 2026, Complainant confirmed its request for English to be the language of the proceedings. Respondent did not submit any comment on Complainant's submission.

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 Respondent of the Complaint in English and Vietnamese, and the proceedings commenced on March 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 25, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on April 7, 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

Complainant is a dairy company and cooperative owned by over 12,500 dairy farmers. Complainant was constituted in 2000, when the Danish dairy cooperative MD Foods merged with its Swedish counterpart Arla ekonomisk Förening. Complainant employs around 21,895 full time employees and received a global revenue of EUR 13.8 billion in 2024. Complainant sells its milk-based products under its brands ARLA, LURPAK, CASTELLO, APETINA and others. Complainant has maintained a longstanding presence in Viet Nam since at least 2007.

Complainant enjoys a strong presence globally, including Vietnam, where the Respondent is based, and has a strong online presence via its official website and social media.

Complainant owns numerous trademark registrations for ARLA and ARLA FOODS, for example:

- International Trademark Registration No. 731917, for the ARLA word mark, registered on March 20, 2000, designating inter alia Canada, the United States of America (the "US"), and Viet Nam;
- International Trademark Registration No. 990596, for the ARLA word mark, registered on September 8, 2008, designating inter alia Singapore, the US, and Viet Nam;
- US trademark registration No. 3325019, for the ARLA word mark, registered on October 30, 2007;
- US trademark registration No. 3651489, for the ARLA combined mark, registered on July 7, 2009;
- European Union trademark registration No. 019025606, for the ARLA figurative mark, registered on September 17, 2024; and
- International trademark registration No. 1829124, for the ARLA FOODS word mark, registered on October 2, 2024, designating inter alia the European Union.

Complainant also owns numerous domain names containing its trademarks, including:

<arla.com>, registered on July 15, 1996; <arlamilk.com>, registered on January 12, 2017; <arlafood.com>, registered on October 6, 2004; and <arlafoods.com>, registered on October 1, 1999. These domain names resolve to Complainant's official websites, through which it informs Internet users and potential consumers about its ARLA and ARLA FOODS trademarks and related products.

The Domain Name was registered on January 1, 2026 and resolves to an inactive website.

5. Parties' Contentions

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for ARLA and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for Complainant's bona fide and well-known services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceedings

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint and amended Complaint in English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Vietnamese.

Complainant requested that the language of the proceedings be English for several reasons, including the fact that the Domain Name includes only Latin characters; the Respondent chose to register the Domain Name with the Top-Level Domain ("gTLD") ".food", instead of the Vietnamese language country-codeTop-Level Domain ".vn", showing that Respondent was trying to target a broad audience, not limited to Vietnamese speakers; that Complainant is based in Denmark and as English is commonly used internationally, it would be fair to both Parties for the proceedings to be conducted in English. Further, it would involve significant additional costs for Complainant and, and cause delay, to require Complainant to translate the Complaint into Vietnamese or to conduct the proceedings in Vietnamese.

Respondent did not comment on Complainant's request for the language of the proceedings to be English.

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 Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

The Panel accepts Complainant's submissions regarding the language of the proceedings. The Panel notes that the Domain Name does not seem to have any specific meaning in the Vietnamese language, and that the Domain Name is formed using Latin characters, contains Complainant's ARLA trademark in its entirety. The Panel further notes that the Center notified the Parties in Vietnamese and English of the language of the proceedings as well as notified Respondent in Vietnamese and English of the Complaint. Respondent chose not to comment on the language of the proceedings, nor did Respondent choose to file a Response in Vietnamese or English.

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

6.2 Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
(ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
(iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview 3.1 states that failure to respond to complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the ARLA trademark, as noted above. Complainant has therefore proven that it has the requisite rights in the ARLA trademark.

With Complainant's rights in the ARLA trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain in which it was registered (in this case, ".food"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross,* WIPO Case No. D2010-0842.

Here, the Domain Name is confusingly similar to Complainant's ARLA trademark. The ARLA trademark is recognizable in the Domain Name. The addition of the term "milk" after Complainant's ARLA trademark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the ARLA trademark. See section 1.8 of the WIPO Overview 3.1.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is most likely that Respondent was, and is, aware of Complainant and its ARLA trademark registered the disputed domain name with the intention to target it. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the ARLA trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the ARLA trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that the Domain Name resolves to an inactive website. Furthermore, the Panel considers that the composition of the Domain Names combining the Complainant's ARLA trademark with the term "milk" descriptive of its products signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

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

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location".

The Panel finds that Complainant has provided ample evidence to show that registration and use of the ARLA trademark predate the registration of the Domain Name. Complainant is also well established and known in its sector; indeed, the record shows that Complainant's ARLA trademark and related products and services are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the ARLA trademark when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz,* WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite,* WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel,* WIPO Case No. D2006-0007.

Further, the registration of the Domain Name, which includes Complainant's ARLA trademark and term "milk"" as noted above, suggests Respondent's actual knowledge of Complainant's rights in the ARLA trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on those rights. Complainant also owns and operates its website at the domain name <arla.com> and also

owns the domain names, <arlamilk.com>, <arlafood>.com> and <arlafoods.com>. Such adoption of Complainant's trademarks at the time of registration of the Domain Name illustrates Respondent's effort to mislead Internet users as to the Domain Name's association with Complainant.

As noted above, at the time of filing of the Complaint, the Domain Name resolved to an inactive website, which does not change the Panel's finding of Respondent's bad faith. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.10, section 3.3.

Considering the composition of the Domain Name, the reputation or distinctiveness of the trademark, and lack of response, the Panel finds that passive holding of the Domain Name does not prevent a finding of bad faith under the circumstances of this case.

The Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <arlamilk.food> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: April 16, 2026