ADMINISTRATIVE PANEL DECISION

ABB Asea Brown Boveri Ltd. v. Domain Admin, TotalDomain Privacy Ltd
Case No. D2026-1848

1. The Parties

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

The Respondent is Domain Admin, TotalDomain Privacy Ltd, Panama.

2. The Domain Name and Registrar

The disputed domain name <brautomation.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 29, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 1, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 amended Complaint on May 7, 2026.

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 the Respondent of the Complaint, and the proceedings commenced on May 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 29, 2026.

The Center appointed Edoardo Fano as the sole panelist in this matter on June 4, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers, or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a), "to employ reasonably available means calculated to achieve actual notice to [the] Respondent". Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules, and the Supplemental Rules and without the benefit of a response from the Respondent.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is ABB Asea Brown Boveri Ltd., a worldwide leading group of companies, operating in the field of power and automation technology, whose main websites are at "www.global.abb/group/en" and "www.new.abb.com". The Complainant's ABB Group also includes the B&R Industrial Automation GmbH, an Austrian technology company and ABB subsidiary headquartered in Eggelsberg, Austria, which is a global leader in industrial automation and serves as ABB's global center for machine and factory automation, whose website is at "www.br-automation.com/en". The Complainant owns the following trademark registrations for involving "BR AUTOMATION":

- European Union Trade Mark No. 017219791 BR-AUTOMATION, registered on January 17, 2018;

- European Union Trade Mark No. 015496292 B&R AUTOMATION STUDIO and design, registered on October 6, 2016.

The Complainant provided evidence in support of the above.

According to the WhoIs records, the disputed domain name was registered on October 19, 2005, and it redirects to a sales landing page on the Atom domain marketplace, in which the disputed domain name is offered for sale for USD 2,999 as "the ultimate domain for those looking to revolutionize the world of automation", that is the same field of activity of the Complainant's subsidiary B&R Industrial Automation GmbH. The Complainant became aware of the Respondent and the disputed domain name in April 2026, after a B&R customer reported having received emails sent from the spoofed email address "[…]@brautomation.com", using the disputed domain name, falsely purporting to originate from the Managing Director of B&R Industrial Automation GmbH.

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 states that the disputed domain name is confusingly similar to its trademark BR-AUTOMATION.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has not been authorized by the Complainant to register the disputed domain name or to use its trademark within the disputed domain name, it is not commonly known by the disputed domain name, and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name redirects to a sales landing page on the Atom domain marketplace, in which the disputed domain name is offered for sale for USD 2,999.

The Complainant submits that the Respondent has registered the disputed domain name in bad faith, since the Complainant's trademark BR-AUTOMATION is well known in the field of power and automation technology. Therefore, the Respondent targeted the Complainant's trademark at the time of acquiring the disputed domain name, considerably later than the disputed domain name registration date, and the Complainant contends that, resolving to a webpage in which the disputed domain name is offered for sale for USD 2,999 indicates that the disputed domain name has primarily been registered with the intention of selling it to the Complainant in return for a payment that exceeds the costs directly related to the disputed domain name, which qualifies as bad faith registration and use.

Moreover, the Complainant asserts that further evidence of the disputed domain name being registered and used in bad faith is the fact that the disputed domain name was used to send fake/scam emails with the signature of the Managing Director of the Complainant's subsidiary B&R Industrial Automation GmbH.

B. Respondent

The Respondent has made no reply to the Complainant's contentions and is in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.3.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

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

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

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.

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 3.1, section 1.2.1.

The Panel finds the entirety of the BR-AUTOMATION mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

It is also well accepted that a generic Top-Level Domain ("gTLD"), in this case ".com", is typically ignored when assessing the similarity between a trademark and a domain name. WIPO Overview 3.1, section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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 present 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 redirects to a sales landing page on the Atom domain marketplace, in which the disputed domain name is offered for sale for USD 2,999 as "the ultimate domain for those looking to revolutionize the world of automation", that is the same field of activity of the Complainant's subsidiary B&R Industrial Automation GmbH, and it was used to send emails from the spoofed email address "[…]@brautomation.com", falsely purporting to originate from the Managing Director of the Complainant's subsidiary B&R Industrial Automation GmbH. Panels have held that the use of a domain name for illegal activity, here phishing/identity theft, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel therefore concludes that the disputed domain name is not being used in connection with a bona fide offering of goods or services.

Moreover, the Panel finds that the composition of the disputed domain name carries a high risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. WIPO Overview 3.1, section 2.5.1.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

In the present case, regarding the registration and use in bad faith of the disputed domain name, the reputation of the Complainant's trademark BR-AUTOMATION in the field of power and automation technology is clearly established, and the Panel finds that the Respondent must have known of the Complainant, and deliberately acquired the disputed domain name registration in bad faith, especially because the disputed domain name was used to send emails from the spoofed email address "[…]@brautomation.com", falsely purporting to originate from the Managing Director of the Complainant's subsidiary B&R Industrial Automation GmbH.

Panels have held that the use of a domain name for illegal activity, here phishing/identity theft, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Moreover, the Panel finds further evidence of the Respondent's use in bad faith of the disputed domain name in its offer to sell the disputed domain name for valuable consideration in excess of its presumable out-of-pocket expenses (absent any evidence from the Respondent to the contrary).

Finally, the Panel considers that the nature of the inherently misleading disputed domain name, being almost identical to the Complainant's trademark BR-AUTOMATION and almost identical to the Complainant's subsidiary official website at "www.br-automation.com/en", further supports a finding of bad faith. WIPO Overview 3.1, section 3.2.1.

Based on the available record, the Panel finds the third element of the Policy has been established.

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, <brautomation.com>, be transferred to the Complainant.

/Edoardo Fano/
Edoardo Fano
Sole Panelist
Date: June 11, 2026