

## **ADMINISTRATIVE PANEL DECISION**

Carel Industries S.p.A v. Soren Stormann, Asia Pacific Piping Systems Pty Ltd

Case No. DCO2025-0061

### **1. The Parties**

The Complainant is Carel Industries S.p.A, Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is Soren Stormann, Asia Pacific Piping Systems Pty Ltd, Netherlands (Kingdom of the).

### **2. The Domain Name and Registrar**

The disputed domain name <carell.co> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2025. On July 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 July 31, 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 amended Complaint on August 1, 2025.

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 August 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 1, 2025.

The Center appointed José Pio Tamassia Santos as the sole panelist in this matter on September 9, 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**

Carel Industries S.p.A. is one of the world leaders in control solutions for air conditioning, refrigeration and heating, and systems for humidification and evaporative cooling. They design their products so as to bring energy savings and reduce environmental impact, thanks to the combination of the most advanced technologies and customized services, aimed at optimizing the performance of equipment and systems. Carel solutions are used in commercial, industrial and residential applications.

The Complainant's trademark CAREL as well as its Company name is used in Italy and in many other countries of the world. Indeed, the company is consolidated internationally (80% of sales are made outside of Italy) and operates both directly through subsidiaries and an organization that is present in around eighty countries. For this trademark, the Complainant owns numerous registrations in several jurisdictions including European Union trademark number 493767 for CAREL, registered on October 14, 1999; international trademark number 0676173 for CAREL, registered on June 24, 1997.

Moreover, the Complainant owns domain names reflecting the trademark CAREL dating back to 1998, 1999, and 2000, including the domain name <carel.com>.

The disputed domain name was registered on June 30, 2025. It resolves to a website where there are Pay-Per-Click ("PPC") links, and it has been used to impersonate the Complainant to send fraudulent emails requesting payment.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is confusingly similar to its CAREL mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(b) of the Policy.

The Complainant also contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

For this Complaint to succeed in relation to the disputed domain name the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 Complainant's trademark CAREL is reproduced in its entirety in the disputed domain name.

The Panel finds that the addition of the letter "L" 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 1.9.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and 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.

The Complainant has never authorized, nor somehow has given its consent to register or use the disputed domain name to anyone.

The results of a database search show that there are no CAREL or CAREL-formative, trademark applications / registrations in the name of the Respondent).

Furthermore, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain, as the disputed domain name points merely to a website where there are PPC links. There is no evidence of any use of the disputed domain name as a bona fide offering of goods or services, nor of any demonstrable preparations for such an offering.

The use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with the Complainant's trademark. See *Archer-Daniels-Midland Company v. Wang De Bing*, WIPO Case No. D2017- 0363; *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#); *Donald J. Trump v. Mediaking LLC d/b/a Mediaking Corporation and Aaftek Domain Corp.*, WIPO Case No. [D2010-1404](#); [WIPO Overview 3.0](#), section 2.9.

Moreover, the disputed domain name was used to impersonate the Complainant in order to send fraudulent emails requesting payment, which does not confer rights or legitimate interests in the disputed domain name.

In view of the above, the Complainant has demonstrated that the Respondent has no rights or legitimate interests in the disputed domain name.

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.

As pointed out above, the Respondent has no rights or legitimate interests in the disputed domain name, which almost identically reproduces the Complainant's trademark CAREL. Given the extensive geographical spread of the Complainant's business, many Internet users will perceive the disputed domain name as referring to the Complainant.

At the time of registration by the Respondent of the disputed domain name, the Complainant's business with the trademark CAREL was well established. Therefore, it is clear that the Respondent "knew or should have known" about the existence of the earlier the Complainant's trademark CAREL.

The following circumstances are further indications of bad faith registration and use in the present case:

- there is no connection between the owner of the disputed domain name and the relevant distinctive sign reproducing the Complainant's trademark CAREL;
- CAREL is not a common or descriptive term, but is obviously a trademark in and to which the Complainant has demonstrated to have rights;
- the Complainant's trademarks were used and registered long before the registration of the disputed domain name and the Respondent could not have been unaware of the CAREL trademarks at the time of the registration of the disputed domain name;
- the disputed domain name is not used in good faith for the offer of goods and services to the public, nor it is used for legitimate commercial or noncommercial use without the intention of misleading the Complainant's customers or infringing the registered CAREL trademarks as set out under paragraph B.;
- the disputed domain name was registered with the aim of taking advantage of this reputation for a commercial purpose, in order to mislead and divert the Complainant's consumers into a parking page displaying PPC links, for which the Respondent purportedly earns money;
- the disputed domain name was used to send fraudulent emails, creating a likelihood of confusion with the Complainant and attempting to mislead the Complainant's customers for commercial gain.

All the circumstances of the case allow to conclude that:

- in registering the domain name, the Respondent had knowledge or at any rate exercised a willful blindness of the Complainant's earlier rights in and to the trademarks CAREL;
- the Respondent is depriving the Complainant of the possibility to register the disputed domain name in which it might have a legitimate interest;
- the Respondent is unfairly and intentionally taking advantage of, and exploiting without authorization, the reputation and distinctiveness of the Complainant's trademarks CAREL to attract Internet users to the website related to the disputed domain name creating a likelihood of confusion with the Complainant's trademarks CAREL.

All the above considered, it is to be concluded that the disputed domain name was registered and is being used by the Respondent in bad faith within the meaning of paragraphs 4(a)(iii), 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 <carell.co> be transferred to the Complainant.

*/José Pío Tamassia Santos/*

**José Pío Tamassia Santos**

Sole Panelist

Date: September 23, 2025.