

ADMINISTRATIVE PANEL DECISION

Arens AS v. MLR Holding OÜ, reg.no. 11233084

Case No. DLV2026-0006

1. The Parties

The Complainant is Arens AS, Estonia, represented by ZAB VILGERTS SIA, Latvia.

The Respondent is MLR Holding OÜ, reg.no. 11233084, Estonia.

2. The Domain Name and Registry

The disputed domain name <arens.lv> is registered with NIC (the “Registry”) with NIC.LV (the “Registry”) through Zone Media LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 21, 2026. On April 23, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On April 24, 2026, the Registry 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 (Sincobebe Velterede OÜ) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 2026, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not amend the Complaint but filed a clarification to the Complaint on April 27, 2026.

The Center verified that the Complaint satisfied the formal requirements of the .LV Domain Name Dispute Resolution Policy (the “.LV Dispute Policy” or “lvDRP”), the Rules for .LV Domain Name Dispute Resolution Policy (the “.LV Dispute Rules”), and the WIPO Supplemental Rules for .LV Domain Name Dispute Resolution Policy (the “.LV Supplemental Rules” or “WIPO lvDRP Supplemental Rules”).

In accordance with the .LV Dispute Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 27, 2026. In accordance with the .LV Dispute Rules, paragraph 5, the due date for Response was May 17, 2026. The Respondent sent an email communication to the Center on May 15, 2026.

The Complainant made an unsolicited supplemental filing to the Center on May 19, 2026.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on May 20, 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 .LV Dispute Rules, paragraph 7.

On June 2, 2026, the Panel issued a Procedural Order in which both Parties were requested to file submissions clarifying the circumstances surrounding the registration of the disputed domain name. Additionally, the Respondent was invited to comment on the Complainant's Supplemental Filing of May 19, 2026. Both Parties submitted responses on June 8, 2026.

4. Factual Background

The Complainant is an Estonian company that manufactures and sells kitchen furniture in Estonia and in export markets including the Nordic countries and Latvia. It is the proprietor of registrations for its ARENS trademark, notably

- International Trademark Registration No. 1254191 for ARENS (device mark), registered on March 26, 2015 for goods and services in classes 20, 35, and 37. This registration is designated for Latvia since April 3, 2025; and
- Estonian Trademark Registration No. 37810 for ARENS KÖÖGIMÖÖBEL (device mark), registered on June 13, 2003 for goods and services in classes 20, 35, and 37.

Additionally, the Complainant's beneficial owners have established a subsidiary in Latvia called SIA ARENS, registered with Latvian company number 40203501236 on August 11, 2023.

The Respondent¹ is an Estonian company that previously purchased products from the Complainant for resale in Latvia. The Parties do not dispute that the Respondent was never an official distributor but simply purchased goods from time to time. The record contains evidence that the Complainant ceased offering its products to the Respondent in 2023 due to unpaid invoices and that the Complainant has obtained a court judgment in Estonia to recover these debts.

The disputed domain name was acquired by the Respondent on March 16, 2015. As of the date of the Complaint and of this Decision, it resolved to a blank page containing the text "website created". There is no evidence on file that the disputed domain name ever resolved to a website.

The Parties disagree on whether the Respondent had or has permission to register and use the disputed domain name.

The Respondent has supplied a 2017 document, executed by the Complainant, stating that it has rights to use the Complainant's mark. The Complainant acknowledges the existence of this document but denies that it constitutes permission to register the disputed domain name. The record contains evidence that, in April 2026, the Complainant obtained an appellate judgment finding the Respondent liable to it for debt in Estonia.

¹ According to the record, the Respondent, identified by the Registry as MLR Holding OÜ, reg.no. 11233084, changed its company name to Arensriga OÜ, and more recently to Sincobele Velterede OÜ. The Complainant argues that an entirely different Estonian company is now called by the Respondent's previous name of MLR Holding OÜ and that, for that reason, any Respondent submissions made by "MLR Holding OÜ" should be disregarded. The Panel takes note of the discrepancy but also notes that the registrant was verified by the Registry as MLR Holding OÜ, reg.no. 11233084. The Panel notes the Respondent's assertion that it has transferred rights in the disputed domain name to a third party. In accordance with the .LV Dispute Rules, however, the Respondent in these proceedings is the domain name registrant confirmed by the Registry. Accordingly, MLR Holding OÜ, reg.no. 11233084 is the appropriate Respondent in these proceedings.

On October 23, 2025, the Complainant sent a warning letter to the Respondent in respect of its registration of the disputed domain name and <arens.fi>. The record does not reflect the Respondent's response thereto.

The record contains the Respondent's statement that it sold the disputed domain name on March 5, 2025, along with evidence that the alleged transferee paid the annual registration fee in 2025.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that it is an Estonian kitchen furniture manufacturer with 30 years of experience. It exports approximately 40% of its production to the Nordic countries and Latvia. It has trademark rights in the ARENS mark, which is also the name of its company. Until 2023, the Respondent purchased certain furniture parts for resale in Estonia and Latvia. The Parties did not enter into any distribution or similar contract, instead the sales took place from time to time on the basis of invoices issued for each purchase. The Complainant has never granted the Respondent any license, authorization, or consent to register a domain name incorporating the Complainant's trademark. The Respondent does not satisfy the test to be recognized as a reseller with rights to the disputed domain name because the disputed domain name is inactive. The Respondent, which has been found liable for debt to the Complainant, is refusing to transfer the disputed domain name without a substantial payment. It is holding the disputed domain name in bad faith. The Complainant also provides a court judgment from the Tartu Circuit Court dated April 27, 2026 upholding a lower court judgment in which the Respondent was found liable for debts to the Complainant.

In response to the Panel Order, the Complainant stated, in relevant part:

"[...] the Complainant submits that the document dated October 9, 2017 was issued with the sole purpose of satisfying requirements by the controlling authorities in Latvia – to enable the Respondent to display the ARENS logo signage (i.e., the figurative trademark in red, as registered in Estonia and as clearly shown in the document) in relation to the sales of ARENS kitchen furniture in Latvia. The document did not include permission to use the word mark "arens" or to register domain name incorporating "arens" trademark. And in any case, any consent has been terminated simultaneously with the end of the [P]arties' business relationship several years ago".

The Complainant states that this document cannot be regarded as a trademark license, because it is executed solely by the Complainant's representative and is therefore not bilateral as a trademark license typically would be. It does not set forth both Parties' rights and obligations, including provisions concerning license fees.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the .LV Dispute Policy for a transfer of the disputed domain name. The Respondent has supplied a document signed on October 9, 2017, by the Complainant's representative stating the following:

"With this AS Arens Mööbel confirms that it consents to OU MLR Holding, registration No. 11233084, registered address Tartu, Ropkaimõisa 10, 50113, using in Latvia, AS Arens Mööbel owned, brand/trade mark ARENS, registered in Estonia".

In reference to this document, the Respondent states: “Sincobebe Velterede OÜ (11233084) has all rights to use Arens trademark according to attached contract signed by trademark owner official representative [...]”.

In its Supplemental Filing, the Respondent states that the Complainant has incorrectly characterized the relationship between the Parties. The Respondent states that, on March 5, 2025, it entered into a goodwill sale agreement in which it transferred the disputed domain name to a third party, which paid to renew the registration of the disputed domain name, though the official transfer of the registration has not been completed.

The Parties began cooperation in 2005 under a different mark (“Farens”), and the Respondent adopted the Complainant’s ARENS mark in 2014. The following year, the disputed domain name was registered with the approval of the Complainant. It could not have been registered without it.

The Complainant’s statements regarding the document executed by the Complainant on October 9, 2017, are untrue. This document unambiguously defines the addressee’s rights to use the ARENS trademark. As can be seen from the document, the Respondent’s affiliate company has no restrictions on the use of the trademark in Latvia, including the use of the disputed domain name. This document was issued at the request of the Respondent as it was planning to open a new salon in Latvia under the ARENS mark and desired legal certainty to protect its substantial investment.

The ARENS mark has been used by the Respondent in its marketing activities for many years, including in social media from 2017. The Respondent placed a sign with the ARENS mark on the exterior of its salon in 2019. Such long-term systematic use of the Arens trademark took place with the knowledge and consent of the trademark holder.

6. Discussion and Findings

Pursuant to paragraph 4.1.1 of the .LV Dispute Policy, in order for the Complaint to succeed, it is for the Complainant to establish:

“(i) the domain name is identical or confusingly similar to:

- I. a trademark or service mark protected in Latvia in which the complainant has rights; or
- II. a geographical indication protected in Latvia or by European Union law; or
- III. a merchant’s name (firm name) as registered in the Commercial Register of Latvia; and

(i) the domain name holder has no rights or legitimate interests in respect of the domain name; and

(ii) the domain name has been registered or is being used in bad faith”.

Pursuant to paragraph 15.1 of the .LV Dispute Rules, “A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the .LV Dispute Policy, these .LV Dispute Rules and any rules and principles of law that it deems applicable”.

Pursuant to paragraph 4.1.9 of the .LV Dispute Policy, “The remedies available to a complainant pursuant to any alternative dispute resolution proceeding before a Panel shall be limited to requiring the cancellation of domain name or the transfer of domain name registration to the complainant”.

A. Identical or confusingly similar to a trademark or service mark protected in Latvia or a geographical indication protected in Latvia or by European Union law, or a merchant's name (firm name) as registered in Commercial Register of Latvia

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.

The Complainant has shown rights in respect of a trademark or service mark protected in Latvia for the purposes of the .LV Dispute Policy. This is sufficient for the Panel to make a finding that the Complainant has standing to bring a Complaint under Paragraph 4.1.1.(i)(I) of the .LV Dispute Policy. Although the .LV Dispute Policy makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed.

The entirety of the Complainant's ARENS mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the .LV Dispute Policy.

The Panel therefore finds that the Complainant has established the first element according to Paragraph 4.1.1 of the .LV Dispute Policy.

B. Rights or Legitimate Interests

Paragraph 4.1.3. of the .LV Dispute 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 .LV Dispute Policy proceedings is on the complainant, 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.

The record indicates that the Respondent previously used the Complainant's mark with its permission, for instance, in marketing materials. Further, the record contains a 2017 document executed by the Complainant attesting to this permission. However, panels tend to assess claimed respondent rights or legitimate interests in the present, i.e., with a view to the circumstances prevailing at the time of the filing of the complaint. The Panel finds that the available evidence indicates that, at the time of this Complaint, the Respondent was not authorized to use the Complainant's mark, not least because the Complainant addressed a warning letter to the Respondent in October 2025 in respect of the use of its mark.

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 existing at the current time such as those enumerated in the .LV Dispute Policy or otherwise. The Respondent is not currently using the disputed domain name in connection with a bona fide offering, nor is it commonly known by the disputed domain name nor making legitimate noncommercial or fair use of it. The record indicates that the commercial relationship has ended and that the Respondent has, indeed, divested its interest in the disputed domain name.

Based on the available record, the Panel finds the second element of the .LV Dispute Policy has been established.

C. Registered or Used in Bad Faith

What is not disputed is that the Parties were in a commercial relationship for close to 20 years, but that this relationship ended with the Respondent failed to pay invoices and the Complainant instituted proceedings to recover the debt. The Parties also do not dispute that, while the relationship was not formalized in a reseller agreement, the Complainant had at one point issued a document stating that the Respondent has its permission use its mark in Latvia.

The Parties diverge on whether, in this context, the Respondent registered or used the disputed domain name in bad faith.

The Complainant describes the Respondent as a party that resold its products but that never had permission to register the disputed domain name. The Complainant argues that the permission granted to the Respondent was intended to assist the Respondent in obtaining permits to display the mark in its signs and elsewhere, but that it did not include any other rights. The Complainant notes the legal judgment against the Respondent for debt, and an oral request for payment for the disputed domain name by the Respondent.

The Respondent, for its part, states that it could not have registered the disputed domain name without the consent of the Complainant, and that the 2017 document did indeed constitute a broader license to use the mark in the context of a broader commercial relationship between the Parties.

The Panel notes that, for the purposes of paragraph 4.1.1.(iii) of the .LV Dispute Policy, paragraph 4.1.2. of the .LV Dispute Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith.

In the present case, the Panel notes that the .LV Dispute Policy requires that the Complainant establish that the Respondent registered or used the disputed domain name in bad faith. The Panel notes that the registration of the disputed domain name predates by ten days the registration of the Complainant's ARENS mark in Latvia. Under the circumstances, however, the Panel does not find that the Complainant is foreclosed from relief on that basis.

Rather, the Panel finds that the record indicates that the Parties were in a commercial relationship at the time of registration of the disputed domain name. The Respondent was fully aware of the Complainant and its mark, indeed, the Respondent was promoting this mark in Latvia. The record does not establish that the Respondent registered the disputed domain name over the objections of the Complainant. Rather, the record is unclear. Under these circumstances, on balance of probabilities, the Panel does not find that the available evidence supports a finding that the Respondent registered the disputed domain name in bad faith.

Paragraph 4.1.2. of the .LV Dispute Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered or used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration or use of a domain name is in bad faith.

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. Having reviewed the available record, the Panel notes the composition of the disputed domain name and the fact that the Respondent was clearly aware of the Complainant's mark, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the .LV Dispute Policy.

In particular, the Panel notes that there is no evidence that the Respondent ever used the disputed domain name to further its business with the Complainant nor in any other way. The available evidence indicates that, following the breakdown of the commercial relationship, the Complainant requested transfer of the disputed domain name and the Respondent wished to condition transfer on a payment, which the Complainant refused. According to the Respondent, it transferred its interest in the disputed domain name to a third party in 2025 without effecting a change in the registration records with the Registry.

The available record, while voluminous, is not entirely clear. Nonetheless, on the available record and in these circumstances, the Panel finds that the Respondent has engaged in bad-faith use of the disputed domain name; the purported transfer of the disputed domain name to a third party disproves the Respondent's contention that its interest in the disputed domain name was related to the furtherance of a legitimate business rather than to complicate the Complainant's efforts to recover it.

The Panel finds that the Complainant has established the third element of the .LV Dispute Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4.1.9. of the .LV Dispute Policy and 15 of the .LV Dispute Rules, the Panel orders that the disputed domain name <arens.lv> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa /

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: June 15, 2026