Decision for dispute CAC-UDRP-102771

Case number	CAC-UDRP-102771
Time of filing	2019-11-11 17:44:31
Domain names	arladairy.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	BRANDIT GmbH

Respondent

Name	Sam Daniel

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings the Panel is aware of which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

Complainant sells its milk-based products under its famous brands Arla®, LURPAK®, CASTELLO®, APETINA® and others. Complainant is the owner of the registered trademark ARLA as a word mark and device mark in numerous countries all over the world, among them International Trademark Registration No. 0731917 (registered in 2000), International Trademark Registration No. 990596 as of 2008, the Danish Trademark registration VR2000 00338 (registered in 2000). The Complainant also owns national Indian Trademark registration No. 909273 as of 2007, Trademark registration No. 1263784 and Trademark registration No. 1741422.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

I. LANGUAGE OF PROCEEDINGS REQUEST:

According to the Registrar’s verification the language of the Registration Agreement is English. The language of the proceeding should therefore be English.

In accordance with Paragraph 11 of the UDRP Rules, unless otherwise agreed by the parties, the language of the proceeding is the language of the registration agreement, subject to the authority of the panel to determine otherwise, exercising its "discretion in the spirit of fairness to both parties, which pursuant to paragraph 10(b) of the Rules have to be treated with equality, 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 Carrefour v. Contact Privacy Inc. Customer 1242379769 / Le Berre, WIPO Case No. D2018-1552).

II. FACTUAL AND LEGAL GROUNDS

A. Factual background

Arla Foods Amba ("Arla Foods") is a global company producing dairy products, co-operatively owned by 12,650 farmers. Arla Foods is headquartered in Denmark with offices in many countries around the world, and sells its milk-based products under its famous brands Arla®, LURPAK®, CASTELLO®, APETINA® and others. Arla Foods is the fourth largest dairy company in the world, based on milk intake (see extract of "Consolidated Annual Report 2018, Transforming for the future". Arla Foods is also perceived as the largest dairy company in Scandinavia and Western Europe according to Wikipedia. Arla Foods has a strong and established present in the European dairy market which represents 62 per cent of its total revenue. Arla Foods has also an expending presence on other regions worldwide. Arla Foods has offices around the world: Europe, Latin and South America, North America, UK, Sweden, the Middle East, Africa as well as Asia and Pacific (Bangladesh, China, Hong Kong, Indonesia, Japan, Korea, Malaysia, Singapore and others). Here is the link to the locations of the Complainant around the world: www.arla.com Arla Food's products are easily recognized by the consumers all over the world due to the significant investments of the company in promoting its products and brands and offering the highest quality of the products.
Complainant has over 19,190 employees across 105 countries worldwide and reached global revenue of EUR 10.4 billion in 2018.

Full Annual 2018 report of Arla Foods can be found on this link: www.arla.com

Due to extensive use, advertising and revenue associated with its trademarks worldwide, Complainant enjoys a high degree of renown around the world and ARLA was confirmed by Panels to be widely known trademark. Complainant has previously successfully challenged several ARLA domain names through UDRP processes e.g. WIPO Case no: D2016-1205 Arla Foods Amba v Frederik enghall concerning the domain <arla.one>; WIPO Case no: DMX2016-0012 Arla Foods Amba v Zhao Ke concerning the domain name <arlafoods.mx>; WIPO Case no: DAU2016-0001 Arla Foods Amba v. Graytech Hosting Pty Ltd. ABN 49106229476, Elizabeth Rose concerning the domain name <arlafoods.com.au>; WIPO Case no: DME2015-0010 Arla Foods amba v. Ye Li concerning the domain name <arlafoods.me>; and Case no. 101058 Arla Foods amba v. VistaPrint Technologies Ltd concerning the domain name <Arlaf00ds.com>.

Complainant has also registered a number of domain names under generic Top-Level Domains ("gTLD") and country-code Top-Level Domains ("ccTLD") containing the ARLA trademark, see for example, <arla.com> (created on 15.07.1996), <arla.asia> (created on 28.11.2007), <arla.hk> (created on 15.02.2005), <arla.eu> (created on 01.06.2006), <arla.in> (created on 15.02.2005), <arlafoods.com> (created on 1999-10-01) and others. Complainant is using the aforementioned domain names to connect to a website through which they inform potential customers about its trademarks and its products and services.

LEGAL GROUNDS

In accordance with Paragraph 4(a) of the Uniform Dispute Resolution Policy (the "Policy"), in an administrative proceeding the complainant must prove that (i) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no right or legitimate interests in respect of the Domain Name, and (iii) the Domain Name has been registered and is being used in bad faith.

i) THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHT

The Disputed Domain Name <arladairy.com> registered on September 23, 2019, entirely incorporates Complainant's well-known, registered trademark ARLA® with the addition of the term "dairy". Previous UDRP Panels have constantly held that the mere addition of a descriptive term would not prevent a finding of confusing similarity to a trademark (see WhatsApp Inc. v. Gil David, WIPO Case No. D2019-1284; Novartis AG v. Black Roses, CAC No. 102137)". Moreover, the generic Top-Level Domain ".com" is a standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to the trademark in which the Complainant has rights (see, Giorgio Armani S.P.A. v. Name Redacted, WIPO Case No. D2019-0107 and Credit Mutuel Arkea v. Domain Administration, CAC Case No. 102345).

The Disputed Domain Name is therefore confusingly similar to the Complainant's ARLA trademark.

ii) THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Disputed Domain Name was registered on September 23, 2019 according to the WHOIS records, according to the Registrar's verification the domain name was "registered to this registrant since at least August 11, 2019". Therefore, the Disputed Domain Name was registered many years after the registrations of the Complainant's ARLA trademarks.

The Complainant has not licensed or authorized the Respondent to register or use the Dsiputed Domain Name.

There is no evidence that the Respondent is known by the Disputed Domain Name or owns any registered trademark including the term "arladairy" or "arla dairy", or "arladairy.com". When conducting searches on online trademark databases, no information is found in relation to trademarks corresponding to "arladairy"or "arla dairy" or "arladairy.com". In fact, almost all the searches in the on-line trademark databases for the term "arla" would point to the Complainant's registered rights. Moreover, when searching for the terms "arladairy" on popular search engines, the top and majority of the hits refer to the Complainant and its trademark ARLA. In addition, when searching for the Respondent's name and terms "arla dairy/arladairy" or the Respondent's organization name and the term "arla dairy/arladairy" there are no relevant results but a lot of references to the Complainant.

Moreover, on the day the Disputed Domain Name was registered on September 23, 2019 and up until at least November 4, 2019 the Respondent used privacy shield service. Following the notice of Complaint, the WHOIS records revealed the name and organization of the Respondent which was further confirmed by the Registrar's Verification.

There is no evidence that Respondent has a history of using, or preparing to use, the Disputed Domain Name in connection with a bona fide offering of goods and services. It is clear that the term ARLA has become a distinctive identifier associated with the Complainant's products on the dairy market and that the Respondent's intention has been to take advantage of an association with the Complainant's business.

At the time of filling of this Complaint the Disputed Domain Name resolves to an active web-site of the company called "DALOON Agri Store". This company claims to be a "the premier farm and Agriculture business and industrial consulting contracting group. backed by rich agricultural & industrial business experience, we are engaged in offering our patrons suitable services to farming and agriculture projects, food processing industries". The web-site offers such services as "Agricultural Engineering", "Agro-processing", "Animal Husbandry", "Eco Friendly Technologies", "Fisheries", "Forestry" and other. There is information related to the company DALOON Agri Store available in the search engines except for the web-site associated with the Disputed Domain Name.

At the time of filling this Complaint the website under the Disputed Domain Name does not provide any information on the location of the claimed company "DALOON Agri Store". There are no contact details but only the on-line form that the claimed company asks Internet users to fil in.

However, on November 7, 2019 (the time of filling of the initial Complaint before notification on deficiencies) the Disputed Domain Name resolved to an active website of the company claimed to be called “ARLA dairy” based in Denmark. The company offered the same range of services as now.

Moreover, at the time of sending a cease and desist letter to the Respondent on October 23, 2019 , the website provided the e-mail address “office@arladairy.com”. Later on, it was removed from the website associated with the Disputed Domain Name.

The Disputed Domain Name by its spelling – incorporating the Complainant’s trademark in its entirety and the term “dairy” which is directly connected to the Complainant’s business – aims at attracting Internet users looking for the Complainant on the web. Moreover, the Disputed Domain Name resolves to a website offering services that are related to the Complainant’s business (farming). More precisely, among the services offered on the website under “Animal Husbandry” appear in bold text the terms “Dairy farming”, “Milk Cooling Units”, “Milk Collection Stations”, “Milk Processing” and “Dairy Products” which directly connected to the Complainant’s field of activity. On the website associated with the Disputed Domain Name, the alleged DALOON Agri Store company is described as “one of the premier farm and Agriculture business and industrial consulting contracting group.” Furthermore, the Respondent used to claim their company was located in Denmark where the Complainant is based. These facts demonstrate that the Respondent’s intention has been to create an association with the Complainant and its trademark and a subsequent likelihood of confusion in Internet users mind. In addition, active MX records exist in relation with the Disputed Domain Name. Moreover, third parties reported to the Complainant, having received fraudulent e-mails from the e-mail address “office@arladairy.com”. Hence, it appears that the Respondent has used such e-mail address in order to impersonate the Complainant and carry out fraudulent activities. Under such circumstances, the use of the Disputed Domain Name cannot not be considered as being in connection with a bona fide offering of goods and services. On the contrary, such behavior characterizes bad faith. Moreover, such facts clearly show that the Respondent has used the Disputed Domain Name for commercial gain to misleadingly divert consumers. The Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Name.

Where the Disputed Domain Name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

The Complainant sent a cease and desist letter to the Respondent. The Respondent has been granted several opportunities to present some compelling arguments that it has rights or legitimate interests in the Disputed Domain Name but has failed to do so. This behaviour coupled with the absence of use of the Domain Name in connection with a bona fide offering of goods and services further demonstrate the Respondent’s absence of rights or legitimate interests in respect of the Disputed Domain Name.

Consequently, in accordance with Paragraph 4(a)(ii), the Respondent has no rights and legitimate interests in respect of the Disputed Domain Name.

iii) THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

a. BAD FAITH REGISTRATION

It has to be highlighted that Complainant’s trademarks predate the registration of the Disputed Domain Name and Respondent has never been authorized by the Complainant to register the Domain Name. Moreover, the ARLA trademark is a widely known trademark and registered in many countries. It is therefore inconceivable that the unique combination of “arla” and “dairy” in the Disputed Domain Name is not a deliberate and calculated attempt to improperly benefit from the Complainant’s rights.

By conducting a simple online search regarding the term “ARLA”, the Respondent would have been aware of the

Complainant and its mark. In the most popular search engines, the Complainant's website or related topics will appear as top first results. As previously stated by UDRP Panels, in such circumstances, the Respondent would have learnt about the Complaint, its mark and activities (see Intesa Sanpaolo S.p.A. v. Abayomi Ajileye, CAC Case No. 102396) and "it is inconceivable that the Respondent was unaware of the existence of the Complainant when he registered the disputed domain name" (See, Novartis AG v. Chenxinqi, Case No. 101918).

Furthermore, in the Disputed Domain Name consists of the Complainant's trademark along with descriptive term "dairy". The Complainant's business activity being related to dairy products, it is very likely that the Respondent had the Complainant in mind when it registered the Disputed Domain Name (see Carrefour v. Jason host LLC, WIPO Case No. D2019-1588). Moreover, the inclusion of the Complainant's trademark with the descriptive term "dairy" reflects the Respondent's clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant's trademark in Internet users' mind.

b. USE IN BAD FAITH

(i) Phishing

The Disputed Domain Name has been reported of being used for phishing activities. The Complainant was informed of fraudulent activities coming from the Disputed Domain Name. Namely, Abhass Consultancy, an Indian recruiting company, informed the Complainant that it received an email on October 16, 2019 it believed to be fraudulent and not coming from the Complainant. The reported email was received from the e-mail address "office@arladairy.com". This email address has been used to target recruitment companies by asking them to fill in personal data in the Employment Information Form attached to the fraudulent email.

The mentioned Employment Information Form is using the trade name and registered trademark of the Complainant "ARLA" as well as the legal address of Arla Food's headquarter in Denmark placed at the bottom of the Employment Information Form. Hence impersonating the Complainant to collect personal data.

In the fraudulent e-mail, the signatory presents himself as Mr. Rajasekar and provides the phone number in India where the Respondent is located.

Such attempts to collect the personal data by impersonating the Complainant runs the risk of harming both the reputation of Complainant as well as misrepresenting consumers into believing the activities from the Disputed Domain Name are legitimate and authorised by the Complainant, which is not the case. Furthermore, the impersonating and unauthorised activities of the reported domain name pose the risk of consumers becoming victims of fraudulent activities as a result of phishing.

By the time of filing of this Complaint numerous reports coming from recruitment companies have been provided to the Complainant and reported as suspicious. All the e-mails received from the Disputed Domain Name contained Employment Form, misleading the recipients as to the source.

The aforementioned facts clearly show that the Disputed Domain Name has been used in bad faith.

The Complainant deems necessary to inform the Panel that actions to suspend the domain name in order to stop fraudulent activities (phishing) have been taken by the Complainant such as takedown requests to the Registrar/Hosting. At the time of filling of this Complaint the Disputed Domain Name still remains active.

(ii) Non-response to the C&D Letter

Furthermore, the Complainant tried to contact Respondent on October 23, 2019 through a cease and desist letter. The letter was sent to the email address listed in the WHOIS record and to the email address listed on the website associated with the

Disputed Domain Name at the time of sending. The Respondent chose not to reply to the cease and desist letters sent by the Complainant which infers bad faith (see International Business Machines Corporation v. Adam Stevenson, Global Domain Services, WIPO case No. D2016-1695; Carrefour v. PERFECT PRIVACY, LLC / Milen Radumilo, WIPO Case No. D2018-2201).

(iii) Change in the name of the company following the notice of Complaint

The content of the web-site associated with the Disputed Domain Name has changed most likely following the notification of Complaint. On November 7, 2019 the company used to call itself “ARLA DAIRY DENMARK” using a logo. Few days later the Respondent changed the name of the company to “DALOON Agri Store” with a different logo but offering the same range of products.

The fact that the Respondent changed his use of the Disputed Domain Name following notice of the Complaint does not alleviate the Respondent’s bad faith (Frontier Distribution LLC v. Dipak Jain, WIPO Case No. D2018-0415).

(iv) Privacy Shield

Furthermore, as the WHOIS associated with the Disputed Domain Name at the time of registration of the Disputed Domain Name and up until November 4, 2019 used to show a Privacy shield hiding the registrant’s identity and contact details. It is very likely that the Respondent was trying to conceal its identity which is further evidence of bad faith (see Avast Software s.r.o. v. Victor Chernyshov, CAC Case No. 101962).

In view of the above, the Complainant’s conduct falls within the meaning of Paragraph 4(a)(iii) of the Policy.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES' CONTENTIONS:

COMPLAINANT:

First, Complainant is of the view that the disputed domain name is confusingly similar to its trademarks. Complainant alleges that the disputed domain name entirely incorporates Complainant’s trademark ARLA, which is a well-known trademark. It submits that the addition of the term “dairy” is purely descriptive and would not prevent a finding of confusing similarity.

Second, Complainant alleges that Respondent has no rights or legitimate interests in respect of the domain name. Complainant notes that the disputed domain name was registered many years after its trademarks. Furthermore, Complainant did not license or authorize Respondent to register or use the domain name.

Complainant also alleges that Respondent is not known under the disputed domain name, nor under trademarks including the terms “arla dairy”. After conducting an Internet search, Complainant did not find any information linking “arla dairy” to Respondent. On the contrary, the first results that are displayed when one searches for “arla dairy” relate to Complainant’s activity. Complainant submits that there is no evidence that Respondent uses the domain name in connection with bona fide goods and services.

Furthermore, Complainant notes that at the time of filing the Complaint, the disputed domain name resolved to a website of the company DALOON Agri Store but had, prior to that, resolved to a website of another company called ARLA dairy, which had offered the same range of services.

Complainant also alleges that the disputed domain name resolved to a website offering farming services that are related to Complainant’s. Included among the services appearing on Respondent’s website were references to “Milk Cooling Units”,

“Dairy farming”, and “Dairy products”. Complainant submits that Respondent registered this domain name with the intention of creating a likelihood of confusion in the minds of Internet users.

Moreover, Respondent sent fraudulent emails to third parties from the email address “office@arladairy.com” for commercial gain. In doing so, Respondent had not made legitimate noncommercial or fair use of the disputed domain name.

Thirdly, Complainant alleges that the disputed domain name was registered and is being used in bad faith.

Indeed, since Complainant’s trademarks predate the disputed domain name’s registration and Complainant did not authorize Respondent to register it, Complainant considers the disputed domain name to have been registered in bad faith. It argues that Respondent could not have ignored the existence of its trademarks when it registered the disputed domain name as they are very famous. Complainant believes that Respondent had had Complainant’s trademarks in mind at the time and had intended to create an association with Complainant by adding the term “dairy” to “arla”.

Furthermore, the disputed domain name has been used for phishing activities. On October 16, 2019, a third party received fraudulent emails from Respondent with a form requiring certain information and using Complainant’s trademark ARLA and its headquarter address in Denmark. Complainant submits that those phishing activities ran the risk of harming both the reputation of Complainant as well as confusing consumers into believing those activities were at least authorized by Complainant.

Complainant also alleges that Respondent did not respond to its cease and desist letters, which infers bad faith. Furthermore, Respondent changed the name of the company once it had been notified of the complaint, which adds to the inference regarding the existence of bad faith.

Finally, Complainant argues that Respondent clearly tried to conceal its identity, which constitutes further evidence of bad faith.

RESPONDENT:

Respondent did not reply to the Complainant’s contentions.

RIGHTS

FINDINGS:

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
(2) Respondent has no rights or legitimate interests in respect of the domain name; and
(3) the domain name has been registered and is being used in bad faith.

A. Rights – Identical or confusingly similar

Complainant has duly shown valid trademark rights for the ARLA sign in the European Union and in several other countries. The said sign is used for producing dairy products and selling milk-based products.

The disputed domain name <arladairy.com> fully incorporated Complainant's trademark ARLA with the mere addition of the term "dairy" which is clearly descriptive of Complainant's sector of activity and increases the risk of confusion in the public's mind.

In previous cases, Panel held that, "the Panel accepts the Complainant's submission that this is a common abbreviation of the French term "travaux publics", which is translated as 'civil engineering'. This term is descriptive of the Complainant's services and does not distinguish the disputed domain name from the Complainant's Mark in any way" (See WIPO case No. D2019-1401, Bouygues SA v. Rafael Vivier). It is generally the case that adding a descriptive term to a trademark increases the risk of confusion in the public's mind as it gives precision to the sector of activity for which the sign is used.

Furthermore, the disputed domain name resolved to a website offering services directly linked to Complainant's activity, specifically "farming", and referred to milk-based products such as Complainant's.

Panel generally views the addition of a gTLD as constituting a technical part of a domain name which does not dispel the likelihood of confusion between a trademark and a disputed domain name. See Andrey Ternovskiy / dba CHATROULETTE v. Chat Roulette, Exclusive Names, WIPO case No. D2018-1024 : "The addition of the gTLD ".cam" does not have a distinguishing effect. Furthermore, the gTDL is generally not considered when determining the similarity between a domain name and a trademark.".

Panel finds that the disputed domain name <arladairy.com> is confusingly similar to Complainant's trademark.

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

B. No rights or legitimate interests

Complainant is required to make a prima facie case that Respondent lacks rights and legitimate interests in the disputed domain name. If the prima facie case is successful, the burden of proof shifts to Respondent.

First, Complainant argued that it did not give any authorization or license to Respondent to register the disputed domain name.

Second, Respondent is not commonly known under the disputed domain name, nor under the "ARLA" trademark. The Internet search confirmed that there is no result linking Respondent to the use of those signs.

Previous Panel found that "the Complainant has provided a prima facie case in this regard, given that: the disputed domain name is identical to the Complainant's registered mark; the Complainant has asserted that it has granted the Respondent no license or authorization to use that mark; and there is no suggestion that the Respondent, Tim Hok or Tim Hok, Co. is commonly known by the disputed domain name, <allianz.bet>" (See WIPO case No. D2018-0892, Allianz SE v. Tim Hok, Tim Hok Co.).

Third, as it has been shown, Respondent changed the name of its company to "DALOON Agri Store" instead of "ARLA dairy" once Complaint was filed. This factor suggests that Respondent knew it had no rights to the use of the name "ARLA dairy" and that it was aware of its lack of interests.

With regard to these three factors, Panel finds that Respondent lacks rights and legitimate interests in the disputed domain name. Respondent's use does not constitute a bona fide offering of goods and services nor a legitimate noncommercial or fair use.

Moreover, it is commonly accepted that the lack of response to the complaint by Respondent is an indicator that it has no right or legitimate interest to use the trademark in the disputed domain name. See WIPO case No. D2018-2008, Skyscanner Limited v. Hildegard Gruener : “The Respondent made no effort to persuade the Panel otherwise, as it filed no Response.

Therefore the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name”.

The Complainant has, to the satisfaction of the Panel, shown that Respondent has no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

C. Bad faith

Paragraph 4(a)(iii) of the Policy requires that Complainant show that the disputed domain name has been registered and is being used in bad faith.

First, and given the Internet visibility of the “ARLA” sign and the Complainant, Respondent could not have ignored its existence when it registered the disputed domain name.

Complainant’s trademarks predate the disputed domain name’s registration. Therefore, an Internet search of the sign “ARLA” would have been sufficient for Respondent to have become aware of its existence and of Complainant’s sector of activity. In the circumstances, Respondent could not have ignored the existence of Complainant’s trademark.

Furthermore, the mere addition of the term “dairy” to “arla” shows the intention to create an association between Respondent and ARLA trademark, and to accordingly benefit from the reputation of Complainant’s trademark.

Panel thus considers the disputed domain name to have been registered in bad faith.

Second, Respondent sent fraudulent emails to third parties using the email address “office@arladairy.com” to collect personal data through an attached form. In those emails, Respondent used Complainant’s trademark and the address of its legal headquarters. By doing so, there is no doubt that the disputed domain name is being used in bad faith. Previous Panels have generally found that the use of email addresses for phishing constitutes bad faith. See WIPO case No. DCO2019-0017, Kimley-Horn and Associates, Inc. v. Abrahim Hashim : “The registration of a domain name in furtherance of phishing scams supports a finding of bad faith registration and use”.

Panel thus finds that the disputed domain name is being used in bad faith.

Complainant has, to the satisfaction of the Panel, shown that the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Having established all three criteria required under the ICANN Policy, the Panel concludes that relief shall be granted, without prejudice to a future judicial decision.

Accordingly, it is ordered that the disputed domain name <arladairy.com> be transferred from Respondent to Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **ARLADAIRY.COM**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2019-12-23

Publish the Decision