

Decision for dispute CAC-UDRP-103779

Case number CAC-UDRP-103779

Time of filing 2021-05-05 11:18:37

Domain names qrlafood.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization Arla Foods Amba

Complainant representative

Organization BRANDIT GmbH

Respondent

Organization RegC, Adoum Hamid Ibrahim

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of numerous "ARLA" trademarks, among which:

- the International Trademark "ARLA" n° 731917;
- the International Trademark "ARLA" n° 990596;
- the EU Trademark "ARLA" n° 018031231;
- the Danish Trademark "ARLA FOODS" n° VR 2000 01185;

("the ARLA trademarks").

The Complainant also uses multiple domain names consisting of the wording "ARLA", such as <arla.com>, <arla.eu>, <arlafoods.com>, <arlafoods.co.uk> and <arlafoods.ca>, which are connected to the official website of the Complainant ("the

ARLA domain names").

FACTUAL BACKGROUND

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

The Complainant is a Danish multinational cooperative based in Denmark and one of the largest dairy companies in the world. The Complainant's products are easily recognized by consumers all over the world. It enjoys a strong online presence via its official websites and social media. Due to extensive use, advertising, and revenue associated with its trademarks worldwide, Complainant enjoys a high degree of renown around the world.

The Complainant uses the ARLA trademarks and the ARLA domain names in connection to its activities worldwide.

The Respondent registered the domain name <qrtafood.com> on 27 January 2021 ("the disputed domain name"). The disputed domain name is currently not being used for an active website but directs to a parking page containing pay-per-click links.

The Complainant sent a cease-and-desist letter to the Respondent asking to cease the use of the disputed domain name. As the Respondent is operating under a privacy shield, the letter was sent to the e-mail address <dataprivacyprotected@1und1.de> as provided in the WHOIS records, as well as to the e-mail address of the registrar <abuse@ionos.com>. The Complainant notes that the disputed domain name's status remained active and was not suspended according to its status up until now.

The Complainant has not received a response from the Respondent.

The Complainant requests that the language of the proceedings is English.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have 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

The Complainant has, to the satisfaction of the Panel, shown 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.

The language of the Registration Agreement for the disputed domain name is French. From the evidence on record, no agreement appears to have been entered into between the Complainant and the Respondent regarding the language issue. The Complainant filed its Complaint in English and then requested that English be the language of the proceeding.

The Panel notes that:

- (a) the CAC has notified the Respondent both in English and French;
- (b) the Complainant requested for a change of the language from French to English;
- (c) thus, the Respondent has been given the opportunity to present its case in this proceeding and to respond formally to the issue of the language of the proceeding;
- (d) however, the Respondent has not responded to nor contested the Complainant's request for a change of the language from French to English.

Considering the above circumstances, the Panel finds that the choice of English as the language of the present proceeding is fair to both parties and is not prejudicial to either one of the parties in his or her ability to articulate the arguments for this case.

PRINCIPAL REASONS FOR THE DECISION

I. The disputed domain name is confusingly similar to the Complainant's trademarks

The Panel finds that the disputed domain name <qlafood.com> is confusingly similar to the Complainant's ARLA trademarks. The disputed domain name fully incorporates the ARLA trademarks of the Complainant, albeit with an intentional misspelling. The Respondent has merely replaced the letter "A" with the adjacent letter "Q".

The Complainant rightfully contends that the disputed domain name is a clear case of typosquatting. The letter "Q" is just placed above the letter "A" at the standard QWERTY keyboard layout. The misspelling and the addition of the descriptive term "food" in the disputed domain name and the ".com" gTLD top-level domain are insufficient to distinguish it from the Complainant's ARLA trademarks.

II. The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name.

The Panel notes that the Complainant has never granted the Respondent any license or authorization to use the ARLA trademarks for the disputed domain name, nor is the Respondent affiliated to the Complainant in any way.

The Panel notes that the Respondent's name or contact details contain no reference to ARLA or similar words or names and is not commonly known under the disputed domain name. Moreover, the disputed domain name is not used for any active website. The Respondent has not by virtue of the content of the website, nor by its use of the disputed domain name shown that it will be used in connection with a bona fide offering of goods or services. Typosquatting is the practice of registering a domain name in an attempt to take advantage of internet users' typographical errors and can be evidence that the Respondent has no rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the disputed domain name for a bona fide offering of goods or services.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

III. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

The Complainant contends that its ARLA trademarks are internationally well-known in the food industry. Typosquatting also indicates that the Respondent likely had knowledge of the Complainant's ARLA trademarks at the time of the registration of the disputed domain name.

In addition to the above mentioned non-contested facts, the fact that the disputed domain name is merely used to redirect to websites of third parties with pay-per-click links which generate revenue and the failure of the Respondent to respond and hence to present a credible evidence-backed rationale for registering and using the disputed domain name, show that the

Respondent has registered and used the disputed domain name in bad faith.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **QRLAFOOD.COM**: Transferred

PANELLISTS

Name	Tom Joris Heremans
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DATE OF PANEL DECISION 2021-06-30

Publish the Decision