

Decision for dispute CAC-UDRP-105113

Case number CAC-UDRP-105113

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Domain names alrasfood.com

Case administrator

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

Complainant

Organization Arla Foods Amba

Complainant representative

Organization BRANDIT GmbH

Respondent

Name chen xiansheng

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 owns - among others - the following trademarks:

- International trademark ARLA No. 731917, registered on March 20, 2000;
- International trademark ARLA No. 990596, registered on September 8, 2008;
- China trademark registration ARLA FOODS No. 5174319, registered on March 21, 2009;
- EU Trademark Registration ARLA No. 018031231 registered on September 6, 2019; and
- Denmark trademark ARLA FOODS No. VR 2000 01185, registered on March 6, 2000.

FACTUAL BACKGROUND

The Complainant was constituted in 2000 and is the fifth-largest dairy company in the world and a cooperative owned by more than 12,500 dairy farmers. The Complainant employs 119,190 people across 105 countries and reached a global revenue of EUR 11,2 billion for the year 2021.

The Complainant has a considerable presence in Asia, namely in Malaysia, Philippines, Indonesia, Hong Kong, China and others.

The disputed domain name was registered on August 6, 2022 and - at the time the Complainant firstly contacted the

Respondent through a C&D letter - the Disputed Domain Name used to resolve to an active page in Chinese displaying numerous links and banners with adult content.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
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.

PRINCIPAL REASONS FOR THE DECISION

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT'S TRADEMARK

The Panel finds that the disputed domain name <alrasfood.com> is confusingly similar to the trademarks ARLA FOODS and ARLA and to the relative domain names registered by the Complainant, which has proven to have prior rights since early '00.

In particular, the Panel agrees that the ARLA trademark is spelled, into the disputed domain name, with replacing the letters "r" and "l" and adding the letter "s" (which can be perceived as 'alra's food') and such circumstance clearly leads to a typosquatting case.

As previously held in a rather similar case, the "insertion of a letter in the disputed domain name between 'arla' and 'foods' does not dispel the confusing similarity of the disputed domain name to the Complainant's marks, and is strongly evocative of typosquatting" (see WIPO Case No. D2016-2213).

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

According to the information provided by the Complainant, the Respondent is not affiliated nor authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark "ARLA FOODS", or to apply for registration of the disputed domain name on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Once such prima facie case is made, respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given all the above and taken into account the fact that the Respondent did not provide any response within the present proceeding,

the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in the disputed domain name.

THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name. This prima facie evidence was not challenged by the Respondent.

In the absence of a Response and provided that the Respondent did not reply to the C&D letter received by the Complainant and - on the contrary - it merely shut down the adult contents therein displayed, the Panel infers that the Respondent did not use of the disputed domain name in connection with a bona fide offering of goods and services.

Taking into account the above and considering the typosquatting context, the Panel believes that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **alrasfood.com**: Transferred

PANELLISTS

Name	Tommaso La Scala
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DATE OF PANEL DECISION **2023-02-13**

Publish the Decision
