Decision for dispute CAC-UDRP-106359

Case number	CAC-UDRP-106359
Time of filing	2024-04-24 09:41:02
Domain names	arlafoodsvip.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	BRANDIT GmbH

Respondent

Organization	Wangzha

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 dairy company owns numerous trademark registrations for ARLA and ARLA FOODS, such as:

- EU trademark registration ARLA No. 001520899, registered on May 7, 2001;
- EU Trademark registration ARLA (figurative)No. 009012981, registered on September 9, 2010;
- Hong Kong trademark registration ARLA No. 200203406 registered on October 1, 1999;
- Hong Kong trademark registration ARLA FOODS No. 300586639 on February 23, 2006.

FACTUAL BACKGROUND

The Complainant operates in Hong Kong via its subsidiary - Arla Foods Trading and Procurement Limited (Hong Kong). The Registrar Verification indicates that the Respondent is located in Hong Kong, and registered the disputed domain name. It was registered on March 31, 2024, many years after the first registration of the Complainant’s trademarks. The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name nor is the Respondent affiliated to the Complainant in any form or has endorsed or sponsored the Respondent or the Respondent's website.

The disputed domain name was quickly put to use to resolve to an active site:

- Featuring ARLA® logo trademark in many ways within the page: The ARLA® logo trademark was displayed at the top left hand corner of each website page and repeatedly quoted underneath and on the other pages.
- Impersonating Arla Foods by displaying information about Arla Foods featuring the ARLA® logo trademark in a section called “Company Profile”.
- Displaying false certificates of Arla Foods being granted a License by the International Financial Service Commission for Trading in foreign exchange.
- The website also displayed an announcement “Legality: Arla Foods has obtained a digital currency license and can conduct digital currency-related businesses around the world.” Such information is false.
- The website seemed to be involved in scam activities connected to digital currencies, and invited users to login inputting their email address and passwords.

The Complainant states that it has never applied for such certificates and is not involved in crypto trading activities. The provided information is inaccurate and misleads internet users, potentially exposing them to scams that could result in financial losses. Being deceived, Internet users may send personal information via the login or registration webpages displayed on the Website and be a victim of fraud attempts, especially phishing.

In view of this infringing content, the Complainant filed takedown request with the hosting provider to disable such malicious use of the disputed domain name, and the website has been disabled.

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). The disputed domain name incorporates, in its second-level portion, the Complainant's trademark ARLA in its entirety, followed by the relevant term “foods”, which is a direct reference to the Complainant and its business, and relevant term “vip”, or, alternatively, the Complainant’s trademark ARLA FOODS, followed by the relevant term “vip”. The disputed domain name is therefore confusingly similar to the Complainant’s trademarks.

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). The Complainant states that it has not licensed or authorized the Respondent to register or use the disputed domain name nor is the Respondent affiliated to the Complainant in any form or has endorsed or sponsored the Respondent or the Respondent's website. There is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademark including the terms “arlafoodsvip” or “arlafoodsvip.com”.

Moreover, the structure of the disputed domain name – incorporating in its second level portion the Complainant’s trademarks ARLA and/or ARLA FOODS – reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, in Internet users’ mind. The use of the Complainant’s trademarks is a deliberate attempt by the Respondent to create a false association and confuse consumers. The disputed domain name has not been used for any legitimate purposes; instead, it has been used only to perpetrate fraudulent activities. It has therefore not been used in any way in connection with a bona fide offering of goods and services.

In light of the above-mentioned circumstances, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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). The Respondent knew the Complainant’s trademark at the time it registered the disputed domain name and registered it in bad faith. The disputed domain name has been used to impersonate the Complainant for illegitimate commercial gain, solely to perpetrate fraud. The Respondent displayed falsified certificates to deceive

internet users into thinking the offered services are offered by the Complainant. In view of the above, the Complainant registered and used the disputed domain name in bad faith and its conduct falls 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 has been used to impersonate the Complainant for illegitimate commercial gain, solely to perpetrate fraud. The Respondent displayed falsified certificates to deceive internet users into thinking the offered services are offered by the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arlafoodsvip.com**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2024-06-06

Publish the Decision