# Decision for dispute CAC-UDRP-107198

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| Case number | CAC-UDRP-107198 |
| Time of filing | 2025-01-24 15:52:07 |
| Domain names | huzqvarna.com |

## Case administrator

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

## Complainant

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| Organization | Husqvarna AB |

## Complainant representative

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| Organization | Sipara Sweden AB |

## Respondent

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| Organization | AUTONOMO |

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 a large number of trademarks for the name “HUSQVARNA” which are registered throughout the world, including, for example:

| Territory | Trade Mark No. | Trade Mark | Priority Date |
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| EU | 000137554 | HUSQVARNA (word) | 1 April 1996 |
| EU | 016908345 | HUSQVARNA (word) | 22 June 2017 |
| EU | 006575682 | H HUSQVARNA (logo) | 11 January 2008 |

FACTUAL BACKGROUND

The term “HUSQVARNA” protected by the Husqvarna Trade Marks is a fanciful term which has been widely and consistently used in trade and marketed globally by the Complainant and therefore has a high degree of distinctiveness. The domain name ”huzqvarna.com” (the “**Disputed Domain Name**”) was registered on 3 October 2023, which is well after the priority dates of the Husqvarna EU trademarks listed above. The Respondent offers for sale various goods on the website under the Disputed Domain Name, including chainsaws and other outdoor power tools of the same type as commonly sold by Complainant, all apparently branded "Huzqvarna" which is obviously only a slight misspelling of Complainant's trademark.

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 word element “HUZQVARNA” is basically identical to the term “HUSQVARNA” protected by the Husqvarna trademark. The only difference between the two is in the letters “Z” and “S”. However, these are in the same position within the respective names. Such a minor difference cannot exclude the similarity and the likelihood of confusion between the Disputed Domain Name and the Husqvarna trademark. As a result, the entire name “HUZQVARNA” is visually and phonetically highly similar to the Complainant's trademark “HUSQVARNA”.

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). Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of proof shifts to the Respondent to come forward with appropriate allegation or evidence demonstrating rights or legitimate interests in the Disputed Domain Name. If the Respondent fails to come forward with such appropriate allegations or evidence, a Complaint is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP (WIPO Overview, 2.1.)

Complainant alleges that Respondent is not commonly known by the Disputed Domain Name and that the Respondent is not and has never been the owner of any registered or unregistered rights that would entitle it to register the Disputed Domain Name. The Complainant is not affiliated with the Respondent in any way and has never granted the Respondent any license or authorization of any kind to use the Husqvarna trademark, in a domain name or otherwise.

The use of the website available at the Disputed Domain Name cannot be considered as use in connection with a bona fide offer of goods or services. The offer of goods on the website available at the Disputed Domain Name clearly seeks to take advantage of the likelihood of confusion between the name “HUZQVARNA” and the Husqvarna trademark. There are other indications of bad faith on the part of the Respondent which rule out the possibility of a bona fide offer of goods or services. This is discussed in detail below.

Respondent has not replied to the Complaint. The Panel finds that Respondent is clearly not making a legitimate non-commercial or fair use of the 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).

There is no doubt that the Respondent was aware of the Husqvarna trademark when it registered the Disputed Domain Name, given that it is using the Disputed Domain Name to publish a website which:

a. resembles an online shop or an e-commerce website offering the same or similar category of products protected by the Husqvarna trademark;

b. contains a large heading with the name “HUZQVARNA” in the Complainant’s typical blue corporate colour;

c. clearly imitates Complainant’s trademark and may confuse consumers as to the origin of the offered products; and

d. uses illegally modified copyright product images of the Complainant - these product images are modified to show the “Huzqvarna” sign instead of the Husqvarna trademark.

Respondent appears to be using the Disputed Domain Name to mislead internet users by creating an affiliation with the Complainant where there is none. Internet users might believe that the website at the Disputed Domain Name is owned and operated by the Complainant or its affiliates. This is particularly harmful if internet users proceed to order and purchase products from the website (assuming this is actually possible). It is because for anyone to be able to complete the order, the users are asked to fill in personal information - name and surname, address and phone number. The website also offers the possibility of subscribing by providing the consumer's e-mail address. It is therefore clear, that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the well-reputed Husqvarna trademark as anticipated in Paragraph 4(b)(iv) of the Policy.

Illegal copying and usage of Husqvarna Trade Marks and copyright product images of the Complainant on the Respondent’s website, creating a fake affiliation with the Respondent combined with requesting sensitive information from the internet users, are significant circumstances indicating that the website at the Disputed Domain Name is fraudulent and was registered and is used in bad faith. The Complainant therefore also contends that the Respondent uses the Disputed Domain Name for the purpose of luring consumers into purchasing unauthorized (possibly counterfeited or non-existing) products from its website, placing the consumers at significant risk of phishing and/or cybercrime. The Panel agrees, the Disputed Domain Name very clearly has been registered and is being used in bad faith within the meaning 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 very clearly has been registered and is being used in bad faith within the meaning of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **huzqvarna.com**: Transferred

## PANELLISTS

| Name | **Mike Rodenbaugh** |
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DATE OF PANEL DECISION 2025-03-10

Publish the Decision