Decision for dispute CAC-UDRP-106977

Case number	CAC-UDRP-106977
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Domain names	aeg-protect.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	AB Electrolux

Complainant representative

Organization	SILKA AB

Respondent

Name	xingguo xu

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or concluded legal proceedings concerning the domain name <aeg-protect.com> ('the disputed domain name').

IDENTIFICATION OF RIGHTS

The Complainant, AB Electrolux, asserts rights to the following registered trade marks, among others:

• International trade mark registration no. 802025, registered on 18 December 2002, designating, inter alia, China, for the word mark AEG, in classes 7, 8, 9, 10, 11, and 17 of the Nice Classification;

• EU trade mark registration no. 003970761, registered on 24 November 1998, for the word mark AEG, in classes 7, 9, 11, and 37 of the Nice Classification; and

• German trade mark registration no 706276, registered on 12 September 1957, for the device mark AEG, in classes 6, 7, 9, 11, 12, and 16 of the Nice Classification.

The aforementioned trade marks shall be referred to as 'the Complainant's trade mark' or 'the trade mark AEG'.

The disputed domain name was registered on 18 February 2022 and does not currently resolve to an active website (for present purposes, 'the Respondent's website').

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is a prominent Swedish multinational appliance manufacturer, established in 1919 and headquartered in Stockholm. It specialises in kitchen and cleaning appliances, reporting sales of SEK 136bn across 120 markets in 2024.

B. Respondent's Factual Allegations

The Respondent has failed to submit a Response in this UDRP administrative proceeding, leaving the Complainant's allegations unchallenged.

PARTIES CONTENTIONS

A. Complainant's Submissions

A.1 Preliminary Issue - Language of the Proceeding Request

1. The proceedings are submitted in English at the Complainant’s request. The registrar’s verification response indicates that the language of the registration agreement for the disputed domain name <aeg-protect.com> is Chinese.

2. The Complainant argues that English should be the language of this UDRP administrative proceeding for the following reasons:

- The disputed domain name comprises letters from the Latin alphabet rather than Chinese script;
- The inclusion of the word ‘protect’ indicates the Respondent’s familiarity with English;
- The Complainant, based in Sweden, lacks proficiency in Chinese but communicates effectively in English, a primary language for international relations; and
- Conducting proceedings in Chinese would impose undue financial burdens due to necessary translation services, resulting in delays and unwarranted cost increases.

3. The Complainant respectfully requests that English be the language of this UDRP administrative proceeding.

A.2 Substantive grounds

The Complainant's contentions can be summarised as follows:

A.2.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The Complainant asserts that the disputed domain name incorporates the trade mark AEG in its entirety, rendering it distinctly recognisable. The addition of a hyphen and the generic term 'protect' does not mitigate confusion, as set out in section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ('the WIPO Jurisprudential Overview 3.0'). Furthermore, the generic Top-Level Domain ('the TLD') '<.com>' does not diminish the similarity between the disputed domain name and the trade mark AEG.

A.2.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant asserts that the Respondent has no rights or legitimate interests regarding the disputed domain name, evidenced by:

• **Absence of authorisation**: the Respondent lacks a licence to use the trade mark AEG and has made no attempt to secure permission.

• **No trade mark held**: there is no evidence that the Respondent holds trade marks identical or closely related to the disputed domain name, nor that they are commonly known by it.

• **Misleading use**: the Respondent's website prominently features the trade mark AEG and logo without consent, misleadingly consumers into believing there is an affiliation or endorsement by the Complainant.

A.2.3 The Respondent registered and is using the disputed domain name in bad faith

The Complainant contends that the disputed domain name was registered and is being used in bad faith, as indicated by:

• **Awareness of the trade mark AEG**: the Complainant's mark has enjoyed global recognition well before the registration of the disputed domain name, suggesting the Respondent could not be unaware of it.

• **Deceptive intent**: the disputed domain name directs users to a website displaying the Complainant's trade mark while misleadingly offering services connected to AEG products. Such conduct unequivocally indicates an intent to mislead consumers for profit.

A.2.4 Relief sought

The Complainant requests that the disputed domain name be transferred to itself.

B. Respondent's Submissions

The Respondent has defaulted in this UDRP administrative proceeding, failing to provide any substantive defence.

RIGHTS

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

PROCEDURAL FACTORS

1. Complainant's Language Request

The Panel has discretion under Rule 11 of the UDRP Rules to determine the appropriate language for the proceedings. In assessing this request, the Panel applies the Writera test as outlined in CAC Case no. 104144, which considers the following factors:

(i) **Language of the disputed domain name string**: the only identifiable language in the string is English, favouring the Complainant;

(ii) **Content of the Respondent's website**: while prominently in Chinese, this does not outweigh the English references present;

(iii) **Language of the Parties**: the Complainant is incorporated in Sweden, and the Respondent appears to be based in China, making English a neutral language;

(iv) **Respondent's behaviour**: the Respondent has exhibited no inclination to participate in this UDRP administrative proceeding;

(v) **Panel's overall concern with due process**: the Panel has fulfilled its duty under Rule 10 (c) of the UDRP Rules; and

vi) **Balance of convenience**: in considering the balance of convenience, the Panel must ascertain which party would suffer the greater inconvenience should the proceeding be conducted in a particular language. Although the registration agreement is in Chinese, the decision to conduct the proceedings in English is warranted. This determination enables the Complainant to present its case effectively, free from onerous translation costs and delays. Furthermore, the Respondent's default diminishes any potential disadvantage arising from the language choice. The specific circumstances of this case (as outlined above) render the Complainant’s request for English as the language of the proceedings both reasonable and justified.

In view of these factors, the Panel has decided to accept the Complainant's language request, proceeding in English.

2. Miscellaneous

The Panel is satisfied that all procedural requirements under the UDRP have been duly met, with no grounds preventing a decision from being issued.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework and Burden of Proof

Pursuant to Rule 15 of the UDRP Rules, the Panel shall base its determination on the statements and documents submitted,

together with the UDRP Policy, UDRP Rules, and any pertinent rules and principles of law. The Complainant must establish three essential elements under paragraph 4(a) of the UDRP Policy:

i. The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

iii. The disputed domain name has been registered and is being used in bad faith.

These three elements shall be collectively termed 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings is the balance of probabilities. The Panel will assess each requirement in sequence.

B. Identical or Confusingly Similar

The Panel finds that the Complainant possesses UDRP-relevant rights in the registered trade mark AEG since at least 1957. The disputed domain name <aeg-protect.com> incorporates the trade mark AEG entirely, with the addition of the word ‘protect’ failing to materially affect recognition. The inclusion of the TLD (<.com>) does not diminish the similarity, fulfilling the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence indicates that the Respondent is not commonly known by the disputed domain name and has not obtained authorisation from the Complainant to use the trade mark AEG. Furthermore, the Respondent appears to have made no legitimate use of the disputed domain name for a bona fide offering of goods or services, nor has any legitimate non-commercial or fair use been demonstrated. Therefore, the Complainant has satisfied the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The evidence strongly suggests that the Respondent registered and is using the disputed domain name to deliberately target the Complainant. Given the Respondent's failure to respond and the allegations made, the Panel infers bad faith, aligning with paragraph 4(b)(iv) of the UDRP Policy. Consequently, the Complainant has met all three requirements of the UDRP Policy.

E. Decision

For the reasons stated, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <aeg-protect.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **aeg-protect.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2025-05-01

Publish the Decision