Decision for dispute CAC-UDRP-107635

Case number	CAC-UDRP-107635
Time of filing	2025-06-02 15:11:48
Domain names	electroluxpk.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	AB Electrolux

Complainant representative

Organization	SILKA AB

Respondent

Name	demir marol

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 several "ELECTROLUX" trademarks, registered worldwide, such as:

- US trademark "ELECTROLUX" No. 195691 registered on March 3, 1925;
- EU trademark "ELECTROLUX" No. 000077925 registered on September 16, 1998;
- International trademark [ELECTROLUX] (with design elements) No. 836605, registered on March 17, 2004, (hereinafter cumulatively referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, AB ELECTROLUX, was established in 1919, and is a Swedish multinational appliance manufacturer, headquartered in Stockholm.

The Complainant is one of the world's leading producers of appliances and equipment for kitchen, cleaning and floor care products. In 2024, the Complainant had sales of SEK 136 billion and employed 41,000 people around the world.

The Complainant owns many domain names including the Trademark, such as the domain names <electrolux.com>, <electroluxgroup.com>, <electrolux.se>, <electrolux.ca>, <electrolux.com.br>, <electrolux.co.uk>, <electrolux.fr>, <electrolux.de>, <electrolux.ro>, <electrolux.com.cn> and <electrolux.com.au> and many others.

The disputed domain name <electroluxpk.com> was registered on April 11, 2025 and, at the time of filing the Complaint, has been used in connection with an active website, using a slightly modified logo of the Complainant and selling competitive products under the false pretence to be an official platform of the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant. The Complainant further claims that the Respondent fails to meet the requirements set forth in Oki Data test (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903) and has no rights or legitimate interests in the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name as the Trademark is well-known and that the Respondent's use of the disputed domain name is evidence of bad faith, as it has intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant's Trademark.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(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.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates it. The addition of the letters "pk" is indeed not sufficient to escape the finding that the disputed domain name is confusingly similar to the Trademark. Indeed, the Panel agrees that "pk" can have the meaning of the state of Pakistan and is nonetheless not able to escape the finding of confusing similarity.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website offering similar and/or competitive products of the Complainant while taking an unfair advantage of the similarity of the disputed domain name with the Complainant’s Trademark.

According to a common view among UDRP panels, resellers or distributors using a domain name containing a complainant’s trademark to undertake sales related to the complainant’s goods may be making a bona fide offering of goods and thus have a legitimate interest in such domain name.

Outlined in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903 - the “Oki Data Test”, the following cumulative requirements will be applied in the specific conditions of a UDRP case:

(i) the respondent must actually be offering the goods at issue;

(ii) the respondent must use the site to sell only the trademarked goods;

(iii) the site must accurately and prominently disclose the registrant’s relationship with trademark holder; and

(iv) the respondent must not try to “corner the market” in domain names reflecting trademark.

The Panel notes that the Respondent’s use of the disputed domain name does not fall within the category of a reseller or distributor typically addressed under the Oki Data Test. However, for the sake of completeness and since the Complainant mentioned it in its submission, the Panel will address the Respondent’s use under the Oki Data Test. The Panel finds that the Respondent fails to satisfy at least the first, second and third requirement of the Oki Data Test as the Respondent does not offer the Complainant’s products but unauthorized similar and/or competitive products. Regarding the third requirement, the Respondent does not disclose in a sufficiently prominent manner its lack of an actual relationship with the Complainant, on the contrary it gives the impression that the products and the website under the disputed domain name is affiliated and endorsed by the Complainant.

The Panel finds accordingly that the requirements of the “Oki Data test” are not satisfied in the present case.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive, well-established and very well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of a website or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith. The Respondent used the disputed domain name to redirect users to a website offering products based on the impression that these products are affiliated with the Complainant and that falsely presents itself as an official platform of the Complainant.

Consequently, by using the disputed domain name in such manner, the Respondent intentionally attempted to attract, for the purposes of commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s Trademark as to the source and affiliation of its website. Such behavior constitutes use in bad faith under paragraph 4(b)(iv) of the Policy. The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **electroluxpk.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2025-07-02

Publish the Decision