Decision for dispute CAC-UDRP-107683

Case number	CAC-UDRP-107683
Time of filing	2025-06-25 09:33:49
Domain names	arlafoodssuk.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	Peter Chappell

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 numerous trademark registrations for ARLA® and ARLA FOODS® (thereafter the “Complainant’s trademark”), such as but not limited to:

- EU Trademark registration ARLA No. 001520899, registered on May 7, 2001;
- UK Trademark Registration ARLA No. UK00918031231 registered on September 6, 2019;
- International Trademark registration ARLA® No. 731917, registered on March 20, 2000; and
- International Trademark registration ARLA FOODS® No. 1829124, registered on October 2, 2024, designating UK.

The Complainant also owns numerous domain names containing the trademarks ARLA and ARLA FOODS, among them: <arla.com> (registered on July 15, 1996), <arla.ph> (registered on August 31, 2001), <arla.eu> (registered on June 1, 2006), <arlafoods.com>, <arlafoods.co.uk> (registered on October 1, 1999) and <arlafoods.ca> (registered on November 29, 2000). The Complainant uses these domain names to resolve to its official websites through which it informs Internet users and potential consumers about its ARLA mark and its products and services.

FACTUAL BACKGROUND

Arla Foods is the fifth-largest dairy company in the world and a cooperative owned by more than 12,500 dairy farmers. Arla Foods Amba was constituted in 2000, when the largest Danish dairy cooperative MD Foods merged with its Swedish counterpart Arla ekonomisk Förening. Arla Foods Amba employs around 21,895 full time employees and reached a global revenue of EUR 13,8 billion for the year 2024.

Arla Food's products are easily recognized by consumers all over the world due to the significant investments carried out by the company in promoting its products and brands and offering high quality products. It sells its milk-based products under its famous brands ARLA®, LURPAK®, CASTELLO®, APETINA® and others.

Arla Foods also enjoys a strong presence globally, including in the UK where the Respondent is allegedly located according to the Registrar Verification. Namely, the Complainant operates in the UK via its main UK subsidiary office, Arla Foods UK, and various facilities and warehouses. The Complainant's official website dedicate to the UK is https://www.arlafoods.co.uk/. Due to extensive use, advertising and revenue associated with its trademarks worldwide, the Complainant enjoys a high degree of renown around the world.

The Complainant owns the domain name <arlafoodsuk.com>, but it is not currently actively used.

The disputed domain name was registered on May 6, 2025 and points to a holding page. The Respondent has given a false address for the WhoIs details of the disputed domain name, specifically an address associated with the Complainant.

PARTIES CONTENTIONS

The Complainant contends as follows:

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

The Complainant owns numerous ARLA® and ARLA FOODS® trademarks included those listed above registered before the disputed domain name <arlafoodssuk.com> was registered on May 6, 2025.

The disputed domain name incorporates, in its second-level portion, the Complainant's trademark ARLA® in its entirety, followed by the relevant term "foodss" misspelled by adding extra letter "s" and the term "uk" which is a common abbreviation for the United Kingdom, or, alternatively, the Complainant's trademark ARLA FOODS® with the addition of the letter "s" followed by the relevant geographic term "UK", and, generic TLD ".com" in its first level portion.

The ARLA® and/or ARLA FOODS® trademarks are clearly recognizable within the disputed domain name. Previous UDRP panels have constantly held that the mere addition of a descriptive or generic term including where the Complainant's mark or that generic term is mispelled would not prevent a finding of confusing similarity to a trademark.

The generic Top-Level Domain ".com" in the first level portion of the disputed domain name is a standard registration requirement and should be disregarded when assessing whether a domain name is confusingly similar to the trademark in which the Complainant has rights.

The disputed domain name is therefore confusingly similar to the Complainant's trademarks ARLA® and/or ARLA FOODS®.

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

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. Nor has the Complainant 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 disputed domain name terms "arlafoodssuk" or "arlafoodssuk.com".

- When conducting an Internet search regarding the disputed domain name terms "arlafoodssuk" or "arlafoodssuk.com" on popular Internet search engines, such as "Google.com", the vast majority of the results relate to the Complainant and its business. Such searches with the name of the Respondent "Peter Chappell" or e-mail address of the Respondent <paiso6840@gmail.com> does not bring any results showing that the Respondent is known by the disputed domain name.
- When conducting searches on online trademark databases, no information is found in relation with trademarks corresponding to the disputed domain name terms "arlafoodssuk" or "arlafoodssuk.com" or trademarks in the name of the Respondent under the name of and address as stated in WHOIS records.

The Respondent should have already performed a similar search before registering the disputed domain name and should have quickly learnt that the trademarks are owned by the Complainant and that the Complainant has been using its trademarks in many countries worldwide.

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' minds. The disputed domain name in its structure directly refers to the Complainant and its trademarks. The use of the Complainant's trademarks in the second level portion of the disputed domain name is a deliberate attempt by the respondent to create a false association and confuse consumers.

The domain name <arlafoodsuk.com> is a part of the Complainant's domain name portfolio and the name of the Complainant's main entity in the UK is Arla Foods UK. Therefore, it is likely that the domain name was registered with bad faith intentions rather than in good faith. Moreover, the Registrar Verification revealed that when providing an address in the WHOIS database the Respondent used the address of Arla Foods UK main office, namely: 4 Savannah Way, LeedsValley Park, Postal Code LS10 1AB, UK, therefore providing false WHOIS information which further indicates bad faith rather than any good faith intentions.

Previously panels have held that providing false contact details for that domain name makes it likely that there is no bona fide offering of services or a legitimate non commercial fair use.

At the time the Complainant found out about the disputed domain name and sent Cease and Desist Letter (May 26, 2025) and at the time this Complaint was filed the disputed domain name resolved to a parked page with a message: "We're under construction. Please check back for an update soon".

There is no evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, that demonstrates a legitimate interest in the disputed domain name.

The disputed domain name is thus being passively held. There is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services or has made a legitimate non-commercial or fair use of the disputed domain name. In similar circumstances, it has been decided that when the Respondent has failed to make use of the resolving website and has not demonstrated any attempt to make legitimate use of the domain name and website in question, such conduct evinces a lack of rights or legitimate interests in the than domain name and thus, is not making a legitimate non-commercial or fair use of that domain name.

When the Complainant found out about the registration of the disputed domain name, on May 26, 2025, it sent a Cease-and-Desist Letter to the Registrant, through the contact form as provided by the Registrar, and to the Registrar abuse contact asking the latter to forward the letter to the Registrant. The Complainant further sent a few reminders. The Respondent has been granted an opportunity to present some arguments that they have rights or legitimate interests in the disputed domain name but have failed to do so. This behavior, coupled with the absence of use of the disputed domain name in connection with a bona fide offering of goods and services, further demonstrates the Respondents' absence of rights or legitimate interests in respect of the disputed domain name.

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

(iii) The disputed domain name was registered and is being used in bad faith.

Registration of the disputed domain name in bad faith

The Respondent registered the disputed domain name many years after the first registration of the Complainant's ARLA® and ARLA FOODS® trademarks. The ARLA® and ARLA FOODS® trademarks are widely known, as previously held by UDRP panels and is registered in many countries. The Complainant also enjoys a strong online presence and is very active on Social Media platforms (Facebook and Twitter) to promote its mark, products and services.

By conducting a simple online search regarding the disputed domain name terms "arlafoodssuk", the Respondent would have inevitably learnt about the Complainant, its trademark and business.

Moreover, as previously stated, Arla Foods UK is a name of the Complainant's subsidiary in the UK with a registered address at: 4 Savannah Way, Leeds Valley Park, Leeds Yorkshire, LS10 1AB. The Respondent used the same address in the WHOIS records of the disputed domain name, this is yet another clear indication that the Respondent was intentionally targeting the Complainant and their business unit in the UK and registration of the disputed domain name was not a coincidence, but a deliberate attempt to mislead.

It is inconceivable that the Respondent had no knowledge of the Complainant when registering the disputed domain name. Therefore, the Respondent knew the Complainant's trademark at the time it registered the domain name and registered the domain name in bad faith.

Use of the disputed domain name in bad faith

Paragraph 4(b) of the Policy identifies, in particular but without limitation, four circumstances which shall be evidence of the registration and use of a domain name in bad faith. Among those circumstances Paragraph 4(b)(iv) of the Policy reads: "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location."

At the time the Complainant found out about the disputed domain name it did not resolve to any active page/content but rather to a parked page with a message "We're under construction. Please check back for an update soon". Similarly, at the time of filing of this

complaint, the disputed domain dame does not resolve to any other active content.

The disputed domain name is passively held. There is no evidence of any actual or contemplated good-faith use of the disputed domain name, as previous UDRP panels held. Previous UDRP panels have held, under the doctrine of passive holding, that "the non-use of a domain would not prevent a finding of bad faith". Panelists have indeed consistently found that non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding and that the factors that panelists take into account, whilst looking at all the circumstances, include:

(i) the degree of distinctiveness or reputation of the complainant's mark,

(ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use,

(iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and

(iv) the implausibility of any good faith use to which the domain name may be put.

In the present case, the following circumstances should be considered:

Firstly, as previously mentioned, the disputed domain name incorporates, in its second-level portion, the Complainant's trademark ARLA® in its entirety, followed by the relevant term "foodss" misspelled by adding extra letter "s" and the term "uk" which is a common abbreviation for United Kingdom, or, alternatively, the Complainant's trademark ARLA FOODS® with the addition of the letter "s" followed by the relevant term "UK". Please also note that Arla Foods is a company name of the Complainant and business identifier used for decades, and Arla Foods UK is a reference to the Complainant's business unit in the UK.

Indeed, the structure of the disputed domain name reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, in Internet users' mind. The use of such trademarks in the second level portion of the disputed domain name is a deliberate attempt by the Respondent to create a false association with the Complainant and confuse consumers as to the source, sponsorship or affiliation of the disputed domain name.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Moreover, and as previously mentioned, the Complainant tried to contact the Respondent through a Cease-and-Desist Letter sent on May 26, 2025. The Respondent chose not to reply to the Cease-and-Desist letter sent by the Complainant which indicates bad faith.

In addition, as previously mentioned the Respondent used the address of the Complainant's office in the UK in the WHOIS records. In previous decisions panels stated: "The Respondent appears to have given false details to the WhoIs database. Providing false information at the time of a domain name's registration may be further evidence of the Respondent's bad faith registration and use under Policy, paragraph 4(a)(iii)."

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.

Response

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 confusingly similar to the Complainant's prior ARLA FOODS mark merely adding an additional letter 's', the generic term 'uk' and the gTLD .com which do not prevent confusing similarity.

The Respondent is not authorised by the Complainant or commonly known by the disputed domain name.

The disputed domain name which carries a high risk of affiliation with the Complainant has been pointed to a holding page which is not a bona fide offering of goods or services or a legitimate non commercial fair use.

The Respondent has not responded to this Complainant or rebutted the prima facie case of the Complainant as evidenced herein.

The Respondent has given a false address, in fact, an address associated with the Complainant to the WhoIs details which is an indication of bad faith and indicates knowledge of the Complainant and its business.

The disputed domain name containing the Complainant's distinctive mark with an extensive reputation is being passively held. In view of the circumstances where the Complainant's mark enjoys a high reputation, the Complainant has not responded and the Respondent has given false WhoIs details to the WhoIs database passively holding does not prevent a holding of bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arlafoodssuk.com**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2025-07-24

Publish the Decision