Decision for dispute CAC-UDRP-107695

Case number	CAC-UDRP-107695
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Domain names	lurpak.online

Case administrator

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

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Domain Name Privacy Inc

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 evidence has established that the Complainant is the owner of a large portfolio of registered trademarks including:

(a) the International trademark registration for LURPAK No. 1167472, registered on October 30, 2012;

(b) the European Union trademark registration for LURPAK No. 010657385, registered on June 29, 2012; and

(c) the United States trademark registration for LURPAK No.79132942, registered on June 10, 2014,

(collectively "the LURPAK trademark").

FACTUAL BACKGROUND

The Complainant is a prominent Danish dairy company with an extensive local and international business including in Cyprus where the Respondent is allegedly located according to the Registrar's Verification in this proceeding. In particular, the Complainant is famous for the manufacture and sale of its well-known LURPAK brand of butter and related products.

The Complainant has a large portfolio of registered trademarks referred to above. The Complainant also owns a portfolio of domain names that it uses in its business, that contain the LURPAK trademark and that resolve to websites that carry its well-known trademark.

It has recently come to the notice of the Complainant that on January 27, 2025, many years after the Complainant acquired its aforesaid trademark rights, the Respondent registered the domain name <lurpak.online> (" the Disputed Domain Name") which includes the LURPAK trademark in its entirety. The Disputed Domain Name has been caused to resolve to Pay-Per-Click webpages displaying sponsored links such as "Butter Recipes", "Cooking with Butter" and "Dairy Products" and it continues to resolve to the those destinations. These links pose a very concerning threat to the Complainant's business and the LURPAK trademark and brand. That is so because they would give rise to a likelihood of confusion in the minds of internet users between the LURPAK trademark and the contents of the resolving links.

Moreover, clicking on the links must generate revenue for the Respondent. Such a use cannot give rise to a right or legitimate interest on the part of the Respondent in the Disputed Domain Name. The Disputed Domain Name has also been registered and used in bad faith.

In response to the Respondent's registration and use of the Disputed Domain name, the Complainant sent it a Cease and Desist letter on May 26, 2025 calling on it to transfer the Disputed Domain Name to the Complainant, but no reply has been received to that letter and the Respondent has failed and refused to comply with the Complainant's request.

The Complainant has therefore brought this proceeding to obtain a transfer of the Disputed Domain Name and the cessation of the improper use to which the Respondent has put it.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant made the following contentions.

(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 trademarks for LURPAK set out above that were registered many years before the Disputed Domain Name was registered on January 27, 2025.

The Disputed Domain Name <lurpak.online> incorporates the Complainant's trademark LURPAK in its entirety.

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

Accordingly, apart from its generic Top Level Domain ".online", the Disputed Domain Name consists of nothing but the word LURPAK.

The Disputed Domain Name is therefore identical to the Complainant's trademark LURPAK.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Disputed Domain Name was registered on January 27, 2025 - many years after the first registration of the Complainant's LURPAK trademark.

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 manner and nor has the Complainant endorsed or sponsored the Respondent or the contents of its webpages.

There is no evidence that the Respondent is commonly known by the Disputed Domain Name or that it owns any corresponding registered trademark including the term "lurpak.online".

When conducting searches of online trademark databases, no information was found by the Complainant in relation to trademarks corresponding to the term "lurpak.online". Any search corresponding to the term LURPAK results only in the numerous trademark registrations of the Complainant. When conducting a search of the term "lurpak.online" and "lurpak" on popular internet search engines, the vast majority of the results relate to the Complainant and its business.

It is therefore clear that the intention of the Respondent when registering the Disputed Domain Name was to create the impression

of an association between the Complainant and the Respondent, to generate confusion in the minds of internet users between the Complainant and the Respondent and for the Respondent to benefit from the international renown of the Complainant and its trademark.

At the time the Complainant sent its aforesaid Cease and Desist letter to the Respondent on May 26, 2025, the Disputed Domain Name resolved to Pay-Per-Click webpages displaying sponsored links such as "Butter Recipes", "Cooking with Butter" and "Dairy Products" and it continues to resolve to the same destinations. These links give rise to a liklihood of confusion in the minds of internet users between the LURPAK trademark and the contents of the resolving links, as they imply that the Complainant is endorsing or is affiliated with those links which it is not. Such a use of the Disputed Domain Name cannot constitute a bona fide use of the Disputed Domain Name. Nor can it constitute a legitimate noncommercial or fair use of the Disputed Domain Name.

None of the aforesaid matters gives rise to a right or legitimate interest in the Disputed Domain Name for the benefit of the Respondent and they all show that the Respondent has no such right or legitimate interest.

(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 LURPAK trademark. The trademark is registered in many countries and the Complainant enjoys a strong online presence. The Complainant is also very active on social media, namely Facebook, Twitter and Instagram in promoting its trademark, products and services. For example, the Complainant is followed by 1.2 million people on Facebook.

By conducting a simple online search regarding the terms "lurpak.online" or "lurpak", the Respondent would have inevitably learnt about the Complainant, its trademark and business, as all top results from such searches point to the Complainant.

The Respondent must have known of and had the Complainant and its trademark in mind at the time it registered the Disputed Domain Name because of the fame of the Complainant and its brand. The inclusion of the Complainant's trademark in the Disputed Domain Name reflects the Respondent's clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant's trademark in the minds of Internet users.

Thus, the Respondent registered the Disputed Domain Name in bad faith.

Use of the Disputed Domain Name in bad faith.

The Respondent has also used the Disputed Domain Name in bad faith because, first, it includes the entirety of the Complainant's LURPAK trademark. Secondly, the Respondent has used the Disputed Domain Name to resolve to various sponsored links that internet users would associate with the Complainant and its well-known LURPAK brand. These links clearly aim to generate revenue for the Respondent and UDRP panels have consistently found that such conduct constitutes bad faith use. Thirdly, the sponsored links are clearly calculated to give rise to confusion between the Complainant and the Respondent and their respective offerings.

Bad faith use of the Disputed Domain Name is also evidenced by the fact that the Respondent did not reply to the Complainant's aforesaid Cease and Desist letter.

Moreover, the Respondent is a serial offender as, by registering and using domain names such as <airfrance.us> and <dollargeneral-careers.com>, it has targetted other companies in the same way as it has targetted the Complainant, as shown in the present proceeding and as demonstrating a pattern of bad faith use.

Thus, in total, the evidence will establish that the Respondent has both registered and used the Disputed Domain Name in bad faith.

The Complainant is thus entitled to the relief that it seeks.

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 the UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

A. Administrative deficiency

By notification dated June 26, 2025 and in accordance with paragraph 4 (b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that it had not sufficiently identified the Respondent. The Complainant was invited to see the Registrar's verification available in the online case file in the form of a non-standard communication regarding the appropriate identification of the domain name holder.

On June 27, 2025 the Complainant filed an Amended Complaint and the CAC determined that the Complaint should be admitted to proceed further in the Administrative Proceeding.

The Panel has reviewed all of the above matters and makes a finding that within the meaning of paragraph 4(b) of the Rules, the administrative deficiencies have been corrected and that this matter has proceeded properly to the Panel in accordance with the Policy and the Rules.

B. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In that regard, the Panel also notes that the onus is on the complainant to make out its case and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

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

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

A. Identical or Confusingly Similar

The Complainant has adduced evidence that the Panel accepts that it is the registered owner of the LURPAK trademark, particulars of which have been set out earlier in this decision and as such it has established its trademark rights in that trademark.

The Panel next finds that the Disputed Domain Name <lurpak.online> is identical to the LURPAK trademark for the following reasons. It is well-established that in assessing identicality and confusing similarity between a trademark and a domain name, the relevant Top Level Domain is ignored, because all domain names require such an extension and the Top Level Domain does not show one way or the other whether a domain name is identical or confusingly similar to a trademark. There may be a different approach when the Top Level Domain can contribute something that throws light on the meaning of the domain name in question. In the present case, that is not so. Thus, the Top Level Domain in all probability should be ignored in the present case as it is in most

cases.

However, even if the Top Level Domain ".online" were taken into account in the present case, the result would be the same.

That is so for the following reasons.First, the Disputed Domain Name includes the entirety of the LURPAK trademark and that word is by far the dominant portion of the Disputed Domain Name. Indeed, it is the only word in the domain name for all practical purposes. Accordingly, the attention of the internet user would naturally be drawn to the use of the word LURPAK in the Disputed Domain Name which would inculcate in the mind of the user the idea that it was an official domain name of the Complainant, which it is not.

Secondly, taken as a whole, the Disputed Domain Name would convey to the objective bystander that it related to the activities of the Complainant and that it would lead to a website dealing with the activities of the Complainant and the products made and sold under its famous LURPAK mark.

Thirdly, the essential part of the Disputed Domain Name, "LURPAK", has the same sound and feel as the Complainant's LURPAK trademark.

Accordingly, the Disputed Domain Name is identical to the Complainant’s trademark and the Complainant has thus shown the first of the three elements that it must establish.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the Disputed Domain name, the complainant will have failed to discharge its onus and the complaint will fail.

It is also well-established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests and that when such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent cannot do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The case is made the stronger by the Complainant's adducing relevant documentary evidence which the Panel accepts and by the Complainant's citation and discussion of previously decided UDRP cases which verify its contentions.

The Panel therefore accepts and agrees with all of the Complainant's contentions set out above. It is not necessary to repeat all of them here but the salient ones are as follows.

The Disputed Domain Name was registered on January 27, 2025 - many years after the first registration of the Complainant’s LURPAK trademark. Accordingly, the starting point must be that the intention of the Respondent was to seize on the well-known and long-established LURPAK trademark of which it obviously knew, include it in a domain name, cause the domain name to resolve to sponsored links promoting the use of products which were the same as or similar to the Complainant's butter and dairy products and by that means to mislead the commercial and consuming public into believing that the links were endorsed or approved by the Complainant, no doubt to the financial advantage of the Respondent. Thus, consumers would probably be falsely led to believe that the webpages associated with the Disputed Domain Name were sponsored or endorsed by the Complainant. The whole basis of the activities of the Respondent was therefore false and misleading and of course illegal on any test. Thus, there is no way that any of its activities linking the Disputed Domain Name to the sponsored links could give rise to a right or legitimate interest in the Disputed Domain Name and they are clean contrary to establishing any such right or legitimate interest.

Next, the Complainant did not license or authorize the Respondent to register or use the Disputed Domain Name. Nor was the Respondent affiliated to the Complainant in any form and the Complainant has not endorsed or sponsored the Respondent or its

webpages.

There is no evidence that the Respondent is commonly known by the Disputed Domain Name and there is no evidence that the Respondent is known by any name other than its own. Nor is there any evidence that the Respondent owns any corresponding registered trademark that includes the expression “lurpak.online”.

The Respondent clearly did not conduct any searches, online or anywhere else, to see if what it was proposing to do would be contrary to any trademark interest. It did not do that because it must have already known the answer, as it clearly intended to compromise the Complainant's trademark and do damage to its business. In other words, it did not conduct any searches because it already intended to act in the brazen manner that has since been revealed by the evidence. Such conduct could not conceivably give rise to a right or interest on the part of the Respondent in the Disputed Domain Name.

Thus, consumers would in all probability be falsely led to believe that the webpages associated with the Disputed Domain Name were sponsored or endorsed by the Complainant.

Finally, the Complainant tried to reach the Respondent by sending a Cease and Desist letter to it on May 26, 2025, calling on it to transfer the Disputed Domain Name, but the Respondent has failed to comply with the Complainant's reasonable request. This, again, shows the deceptive nature of the Respondent's conduct.

All of these factors show that the Respondent could not have had or acquired a right or legitimate interest in the Disputed Domain Name.

The Complainant has therefore made out the second of the three elements that it must establish.

C. Registered and Used in Bad Faith.

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith: Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent’s website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith both in general and in particular because the Respondent’s conduct puts the case squarely within paragraph 4(b) (iv) of the Policy and probably also within other provisions of paragraph 4 (b).

That is so for the following reasons.

With respect to registration in bad faith, it may be said, first, that the Respondent registered the Disputed Domain Name only recently and therefore many years after the first registration of the Complainant’s LURPAK trademark. The LURPAK trademark is registered in many countries and internationally and the Complainant obviously enjoys a strong online presence. The Complainant is also active on social media in promoting its trademark, products and services. The word LURPAK itself is well known in view of the Lurpak brand of butter and dairy products that the Complainant makes and sells. Accordingly, the Panel finds that that the Respondent had actual knowledge of the Complainant's name and brand at the time it registered the Disputed Domain Name. Knowing of the trademark shows that the Respondent must also have known that it had no right to take the trademark and use it as only the Complainant had that right, especially when the Respondent neither asked for nor obtained permission or authority from the Complainant to use it, especially in a domain name. The Disputed Domain Name was therefore registered in bad faith.

Secondly, the Respondent could have conducted searches of any other trademark rights in the LURPAK name before it registered the Disputed Domain Name but clearly did not do so. Rather, it registered the Disputed Domain Name with the clear intention of using it to mislead internet users. That also amounts to bad faith registration.

Thirdly, the inclusion of the Complainant's trademark in the domain name reflects the Respondent's clear intention to create an association in the minds of internet users, and a subsequent likelihood of confusion, between the Disputed Domain Name and the Complainant's trademark. That is so because the Disputed Domain Name incorporates the entirety of the Complainant's trademark LURPAK and the Disputed Domain Name is identical to the trademark. Prior UDRP panels have consistently found that the registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark such as LURPAK by an unaffiliated entity such as the Respondent by itself creates a presumption of bad faith registration. The Respondent has done this by brazenly including the Complainant's trademark in the Disputed Domain Name. Again, it must be concluded that, as the Respondent has used the trademark so openly, it must have had actual knowledge of the trademark when it, the Respondent, registered the Disputed Domain Name. Thus, it is clear on the evidence that the Respondent registered the Disputed Domain Name in bad faith.

With respect to bad faith use, it should be noted that some guidance in assessing bad faith use is to be found in paragraph 4(b) of the Policy which 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 (the Respondent) 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." The Panel finds in that regard that what the Respondent has done by linking the Disputed Domain Name to a series of sponsored links is to create confusion between the Complainant by in effect asserting that the Complainant is the source of, is affiliated with, sponsors or endorses the contents of those sponsored links.

Secondly, the Complainant correctly submits that the webpages associated with the Disputed Domain Name display the Complainant's trademark and products bearing the Complainant's trademark LURPAK in a prominent position without any authorization or disclaimer. The Panel has inspected the exhibits filed with the Complainant and finds that they carry prominently the expression "Lurpak.online." Thus, there is no doubt that by this means the Respondent intended to give the false impression that the products advertised on the links were sourced from, sponsorsed by, affiliated with or endorsed by the Complainant. This amounts to bad faith use as it gives the false impression of endorsement by the Complainant by displaying products bearing the Complainant's trademark.

Thirdly, such use is misleading to consumers by making them falsely believe that the website is authorized or endorsed by the Complainant. In the absence of any clear disclaimer on the contrary, that conduct constitutes impersonation of the Complainant. Such conduct brings the case clearly within paragraph 4(b)(iv) of the Policy as there was in the opinion of the Panel a clear intention by the Respondent to attract Internet users to its website for commercial gain.

It should also be said that these findings are not in any sense marginal or equivocal. In that regard, the Panel has examined closely the sponsored links which are of course in evidence. The principal link carries the categories "Butter Recipes", "Cooking with Butter" and "Dairy Products", showing clearly that the Respondent has sought to give the impression that these products are the products of the Complainant, which they are not, or are sponsored by the Complainant, which they also are not. In particular, the Panel has followed the contents of the links and they show an astonishing array of products that the Respondent is in effect asserting are products of the Complainant or sponsored by it. The links promote competitors of the Complainant such as Dairy Australia, Canva and Etsy. They also promote numerous foreign brands specifically described as coming from Ghana, Scotland and elsewhere. They also promote a seemingly never-ending array of goods that are not even dairy or butter products but include baked goods, soap, apparel, teapots, gifts, hair clippers, jewellery, gifts and more. Thus, the Respondent is not only promoting dairy and butter products but many other types of products that are far beyond that genre, and all under cover of the Complainant's trademark. It is scarcely necessary to say so, but the Respondent has also used the LURPAK trademark to announce that the Disputed Domain Name may be for sale.

The Respondent also did not reply to the Cease and Desist letter sent by the Complainant which also infers bad faith use. The Respondent had plenty of opportunity to justify its conduct if it wished to, but it did not avail itself of that opportunity.

In view of the above evidence, 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. Accordingly, the Complainant has shown the third of the three elements that it must establish.

The Complainant has also cited several prior UDRP decisions that support all of its contentions.

Accordingly, the Panel finds that the Complainant has made out its case and is entitled to the relief it seeks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lurpak.online**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2025-07-24

Publish the Decision