Decision for dispute CAC-UDRP-107688

Case number	CAC-UDRP-107688
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Domain names	arlacom.com

Case administrator

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

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	David Tyrer

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 <arlacom.com>.

IDENTIFICATION OF RIGHTS

The Complainant, Arla Foods Amba, asserts ownership of numerous trademark registrations for ARLA and ARLA FOODS in various jurisdictions worldwide.

These include:

- EU Trademark Registration No. 001520899 for ARLA®, registered on May 7, 2001;
- International Registration No. 731917 for ARLA®, registered on March 20, 2000;
- International Registration No. 1829124 for ARLA FOODS®, registered on October 10, 2024;
- Australian Trademark Registration No. 1175557 for ARLA®, advertised on August 28, 2008;
- Australian Trademark Registration No. 1284726 for ARLA (figurative), advertised on July 9, 2009.

According to the Complainant, these registrations remain valid and cover territories including Australia, where the Respondent is allegedly located.

The Complainant further states that it operates a number of domain names incorporating its trademarks—such as <arla.com>,

<arlafoods.com>, and <arlafoods.co.uk>—which it uses to promote its products and communicate with consumers online.

Annexes to the Complaint include trademark registration certificates and domain name ownership records to support these claims.

FACTUAL BACKGROUND

The Complainant, Arla Foods Amba, is a global dairy company headquartered in Denmark and owned by over 12,500 cooperative dairy farmers. It was formed in 2000 through the merger of the Danish cooperative MD Foods and the Swedish cooperative Arla ekonomisk Förening. As of 2024, Arla Foods employs approximately 21,895 full-time staff and reported a global revenue of EUR 13.8 billion.

Arla Foods sells milk-based products under several internationally recognized brands, including ARLA®, LURPAK®, CASTELLO®, and APETINA®. The Complainant maintains a strong global presence and promotes its products through an extensive online infrastructure, including websites and social media platforms.

The disputed domain name, <arlacom.com>, was registered on November 8, 2024.

PARTIES CONTENTIONS

COMPLAINANT:

1. The disputed domain name is confusingly similar to the Complainant's trademark

The Complainant contends that the disputed domain name <arlacom.com> is confusingly similar to its registered ARLA® trademarks. It argues that the disputed domain name incorporates the ARLA® mark in its entirety as the dominant and recognizable element, followed by the additional term "com," and concludes with the generic top-level domain ".com."

The Complainant submits that the addition of the term "com" appears to imitate the most common generic top-level domain, creating an impression that reinforces, rather than diminishes, the association with a legitimate ".com" domain of the Complainant. It further argues that this addition is insufficient to avoid a finding of confusing similarity.

Citing WIPO Overview 3.0, section 1.8, the Complainant notes that where a trademark is clearly recognizable within the disputed domain name, the addition of other terms—whether descriptive, geographical, or otherwise—does not prevent a finding of confusing similarity under the first element of the Policy.

Moreover, the Complainant emphasizes that the ARLA® mark predates the registration of the disputed domain name, which was registered on November 8, 2024. The Complainant owns numerous trademark registrations for ARLA® and ARLA FOODS® globally, including Australia, where the Respondent is allegedly located.

The Complainant maintains that the inclusion of its ARLA® mark in the disputed domain name is sufficient to meet the requirement of confusing similarity, and that the generic top-level domain ".com" is to be disregarded for the purpose of this analysis.

Accordingly, the Complainant submits that it has satisfied the first element under paragraph 4(a)(i) of the Policy.

2. The Respondent has no rights or legitimate interests in the disputed domain name

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name <arlacom.com>.

The disputed domain name was registered on November 8, 2024—many years after the Complainant's ARLA® and ARLA FOODS® trademarks were registered, including in Australia, where the Respondent is allegedly located.

The Complainant asserts that it has not licensed or otherwise authorized the Respondent to register or use the disputed domain name, nor is the Respondent in any way affiliated with or endorsed by the Complainant.

The Complainant argues that there is no evidence the Respondent is commonly known by the disputed domain name or that the Respondent holds any trademark rights in "arlacom" or "arlacom.com." Internet searches for these terms return results primarily associated with the Complainant and its business.

The Complainant further submits that searches of publicly available trademark databases show no relevant trademarks corresponding to the disputed domain name terms—neither in general nor in the name of the Respondent.

The Complainant contends that the structure of the disputed domain name—incorporating the Complainant's ARLA® trademark in full, followed by the generic term "com"—is deliberately designed to create confusion with its primary global website <arla.com> and to mislead Internet users into believing the disputed domain name is associated with the Complainant.

At the time of the cease-and-desist letter sent by the Complainant (June 3, 2025), the disputed domain name resolved to a parked

page stating “We’re under construction. Please check back for an update soon.” The same page remained online at the time the Complaint was filed. According to the Complainant, this passive holding of the disputed domain name does not constitute legitimate or fair use, nor does it reflect any preparation for bona fide commercial activity.

The Complainant further highlights that it received no response to its cease-and-desist letter or follow-up reminders, even though the letters were sent via multiple channels. The Respondent was thus provided with an opportunity to explain its interest in the disputed domain name but has failed to do so.

In the Complainant’s view, the Respondent’s conduct does not demonstrate any legitimate interest in the disputed domain name and instead reinforces the conclusion that the Respondent has no rights or legitimate interests within the meaning of paragraph 4(a)(ii) of the Policy.

3. The disputed domain name was registered and is being used in bad faith

The Complainant asserts that the Respondent registered the disputed domain name <arlacom.com> many years after the Complainant’s ARLA® trademarks were first registered, including in Australia, where the Respondent is allegedly located.

The Complainant argues that ARLA® is a well-known trademark, as confirmed by previous UDRP decisions, and that the Respondent must have known of the Complainant’s rights at the time of registration. According to the Complainant, a simple Internet search for “arlacom” or “arlacom.com” would have revealed the Complainant’s mark, online presence, and business activities.

The Complainant contends that the Respondent’s registration of the disputed domain name in the face of such obvious prior rights is clear evidence of bad faith. It is inconceivable, in the Complainant’s view, that the Respondent was unaware of the Complainant and its trademark when registering the disputed domain name.

Regarding use, the Complainant submits that the disputed domain name has only resolved to a parked page since its registration. No active content has been published at any point, including at the time of filing the Complaint.

The Complainant argues that the Respondent’s passive holding of the disputed domain name constitutes bad faith use under the doctrine of passive holding, as elaborated in WIPO Overview 3.0, section 3.3, and early UDRP precedent such as Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003.

The Complainant further submits that the composition of the disputed domain name—namely the inclusion of “arla” and the term “com” before the .com suffix—is intended to create confusion by mimicking both a second- and top-level domain structure. In the Complainant’s view, this reflects a deliberate attempt to create a false association with its official domain <arla.com> and to mislead Internet users.

Additionally, the Complainant refers to a reverse WHOIS search indicating that the Respondent has registered at least one other domain name incorporating a famous mark, <teslachargingstations.com>, further suggesting a pattern of bad-faith conduct.

Finally, the Complainant notes that the Respondent failed to reply to multiple cease-and-desist communications, which, according to past UDRP decisions, can also support a finding of bad faith.

On the basis of the above, the Complainant contends that the disputed domain name was both registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

Therefore, the Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

RESPONDENT:

The Respondent contends, in his **initial Response**, that he is a professional domain name investor operating under the business name BrandableDomain.com, with a portfolio of approximately 2,700 .com domain names. He states that he acquired the disputed domain name, <arlacom.com>, on 9 November 2024 through a public expired domain auction at DropCatch.com, a common platform for domain resellers. According to the Respondent, his acquisition decisions are based solely on whether a domain appears brandable, catchy, and inherently valuable for potential resale—not on any connection to existing brands or companies.

He asserts that he had never heard of the Complainant or its trademark ARLA before registering the disputed domain name and that he does not research trademarks in the domain acquisition process. He maintains that the term “arlacom” struck him as an invented, professional-sounding name and that he did not register the disputed domain name with any knowledge of, or intention to target, the Complainant or its trademark.

The Respondent further explains that he has never offered the disputed domain name for sale, never contacted the Complainant, and never built a website on the disputed domain name. He believes any “under construction” pages referenced by the Complainant were likely auto-generated by registrars such as NameBright (used by DropCatch) or GoDaddy (used after transferring domains for pricing/sale). He denies any bad faith and stresses that the disputed domain name remains unused in his inventory.

To support his claim of legitimate interest, the Respondent states that he lawfully pays tax on domain name sales in Australia and that his business has operated transparently for many years without any previous UDRP complaints (with one exception, addressed below).

In his **First Supplemental Response (17 July 2025)**, the Respondent expands on his claim that he had no prior knowledge of the

Complainant by asserting that ARLA is virtually unknown in Australia. He provides evidence from Google searches and major Australian supermarket websites (Coles and Woolworths), where a search for “arla” yields no results, while comparable brand names (e.g., Jarlsberg) do appear. He states that he has shopped weekly at these supermarkets in his local suburb of Leichhardt (Sydney) for over 20 years and has never encountered ARLA-branded products.

In his **Second Supplemental Response (18 July 2025)**, the Respondent continues this line of argument by noting that the next-largest Australian grocery retailers—ALDI and IGA—likewise do not stock ARLA products. He notes that a related brand, Lurpak, may be available in specialty stores but appears to be marketed without prominent ARLA branding. He also observes that ARLA does not list any offices or operations in Australia on its corporate website, unlike in other countries, and concludes that the brand has no visible presence in Australia. This, he argues, supports his contention that he could not have acted in bad faith when registering the disputed domain name.

The **Third Supplemental Response (19 July 2025)** clarifies and supplements a point made in the initial Response concerning his registration of <teslachargingstations.com>, which the Complainant cited as evidence of bad faith. The Respondent provides further documentation to show that he has been a significant investor in Tesla since 2014, and that he registered the Tesla-related domain as a “defensive” measure to prevent cybersquatting by others. He reiterates that he offered the domain to Tesla for free in a signed 2017 letter and never used it commercially. He includes supporting documents to show he still owns 4,200 Tesla shares and considers the domain to be held on Tesla’s behalf. He argues that this conduct demonstrates good faith and undermines the Complainant’s claims of a pattern of bad faith behavior.

In summary, the Respondent asserts that:

- He lawfully acquired <arlacom.com> through a public auction (Response);
- The disputed domain name is a random, brandable name unrelated to the Complainant (Response);
- He had no knowledge of the Complainant or its trademark (Response);
- ARLA has no meaningful brand presence in Australia (First and Second Supplemental Responses);
- He never used the disputed domain name in bad faith or targeted the Complainant (Response);
- His registration of <teslachargingstations.com> was in good faith and supports his general reputation for lawful conduct in the domain industry (Response and Third Supplemental Response).

The Respondent requests that the Complaint be denied in its entirety.

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. The Response was filed on 15 July 2025, and the Respondent submitted supplemental responses on 17, 18, and 19 July 2025. As these were all received before the appointment of the Panel, and may assist in clarifying the Respondent’s position, the Panel admits them as part of the case file. The Panel notes that it retains discretion to consider such filings where appropriate, in line with general practice under the UDRP and as reflected in WIPO Overview 3.0, section 4.6.

There is no other reason why it would be inappropriate to proceed to a decision in this case.

PRINCIPAL REASONS FOR THE DECISION

The UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY of the Internet Corporation for Assigned Names and Numbers (ICANN) (the “Policy”) provides that a complainant must prove each of the following to obtain transfer or cancellation of a domain name:

1. that respondent’s domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

1) The disputed domain name is confusingly similar to a trademark in which the Complainant has rights (Para.4(a)(i) of the Policy).

The Complainant has submitted evidence of its ownership of multiple trademark registrations for the mark ARLA®, including in Australia, where the Respondent is located.

The Panel accepts that the Complainant has established rights in the ARLA trademark for the purposes of paragraph 4(a)(i) of the Policy.

The disputed domain name <arlacom.com> incorporates the Complainant’s ARLA mark in its entirety. The addition of the descriptive term “com” following the trademark does not prevent a finding of confusing similarity. On the contrary, it may increase the likelihood of confusion by giving the impression that the disputed domain name refers to a commercial platform or an affiliated online presence of the Complainant.

In accordance with section 1.8 of the WIPO Overview 3.0, where a complainant’s trademark is clearly recognizable within the domain name, the addition of other terms does not prevent a finding of confusing similarity under the first element. In this case, the ARLA mark is clearly the dominant and recognizable component of the disputed domain name.

The inclusion of the generic top-level domain (gTLD) “.com” is standard and irrelevant for the assessment of confusing similarity under the Policy.

Accordingly, the Panel finds that the disputed domain name <arlacom.com> is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

2) The Respondent lacks rights or legitimate interests in the disputed domain name (Para. 4(a)(ii) of the Policy).

Under paragraph 4(a)(ii) of the Policy, the Complainant must establish a prima facie case that the Respondent lacks rights or legitimate interests in the domain name. Once such a case is made, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests in the domain name (see WIPO Overview 3.0, section 2.1).

In this case, the Complainant states that it has not licensed or authorized the Respondent to use the ARLA trademark or to register the disputed domain name incorporating it. The Complainant also notes that the disputed domain name <arlacom.com> combines its well-known trademark ARLA® with the term "com," which resembles a shortened or mirrored version of the Complainant’s own domain <arla.com>. According to the Complainant, the structure of the disputed domain name creates a misleading impression of an association with its brand.

The Respondent, for his part, does not claim to be commonly known by the disputed domain name or the term “arlacom.” He does not assert that he is using the disputed domain name in connection with a bona fide offering of goods, or services or for any legitimate non-commercial purpose. Instead, the Respondent argues that he had never heard of the Complainant or its trademark at the time of registration and that the ARLA brand is not well known in Australia, where he resides. He relies on Google and supermarket website searches to support this assertion. However, the Panel notes that the ARLA mark is registered in Australia and that the Complainant has presented prior UDRP decisions affirming its well-known status. In any event, under established UDRP precedent, a respondent’s claimed lack of awareness of a complainant’s trademark — especially when the mark is distinctive and widely recognized — does not, on its own, establish rights or legitimate interests in a confusingly similar domain name. The test under this element focuses on whether the respondent has any legitimate basis for the registration and use of the domain name, not on the respondent’s subjective knowledge or intentions (see WIPO Overview 3.0, section 2.10).

The disputed domain name does not resolve to an active website and appears to be passively held. The Respondent has provided no evidence of any actual or contemplated use of the disputed domain name for a bona fide offering of goods or services or any legitimate non-commercial purpose.

In addition, the Respondent has acknowledged registering other domain names that incorporate well-known trademarks, such as <teslachargingstations.com>, which he claims to be holding on behalf of Tesla as a “defensive registration,” despite lacking any affiliation with or authorization from the trademark owner. While the Respondent may believe his intent is benevolent, such registrations, when made without rights or permission, raise concerns about a pattern of conduct inconsistent with legitimate interests (see WIPO Overview 3.0, section 2.10).

Taken together — the composition of the disputed domain name, the absence of any demonstrable legitimate use, and the Respondent's registration of other trademark-related domain names — the Panel finds that the Respondent has not demonstrated any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied the second element of paragraph 4(a)(ii) of the Policy.

3) The disputed domain name was registered and is being used in bad faith (Paragraph 4(a)(iii) of the Policy)

The Complainant has demonstrated that it owns registered rights in the ARLA® trademark, which is distinctive and well established internationally, including in Australia. The disputed domain name <arlacom.com> incorporates the Complainant's mark in its entirety, combined with the term "com," which closely resembles the Complainant's primary domain <arla.com>. The structure of the disputed domain name creates a misleading impression of affiliation and gives rise to a likelihood of confusion with the Complainant's brand.

The Respondent claims that he had never heard of the Complainant or its trademark at the time of registration and argues that ARLA is not widely known in Australia. However, the ARLA mark is registered in Australia, and prior UDRP decisions have affirmed its well-known character. Furthermore, under established UDRP precedent, a respondent's alleged lack of awareness does not preclude a finding of bad faith, particularly where the mark is distinctive and internationally recognized (see WIPO Overview 3.0, section 3.2.2).

The Complainant contends that it is inconceivable that the Respondent was unaware of the Complainant or its trademark at the time of registration. In this regard, the Panel notes that the Respondent himself claims to have searched for "Arla" on Google and on Australian supermarket websites. This conduct, in the Panel's view, indicates at least potential awareness of the Complainant's brand or an expectation that the brand might surface during such searches. Given these circumstances, the Panel finds it implausible that the Respondent selected the name <arlacom.com> independently and without any knowledge of the Complainant's trademark.

The disputed domain name does not resolve to an active website and is being passively held. The Respondent has not provided any evidence of actual or contemplated use for a legitimate purpose. Under the so-called "passive holding" doctrine, panels may infer bad faith where: (i) the complainant's mark is well known, (ii) the respondent has provided no plausible legitimate explanation, and (iii) there is no evidence of good-faith use (see WIPO Overview 3.0, section 3.3).

In addition, the Complainant sent several cease and desist letters prior to initiating this proceeding. The Respondent did not respond to these communications and took no steps to transfer the disputed domain name or explain its registration. Panels have found that a failure to reply to a cease and desist letter may, in appropriate circumstances, support an inference of bad faith (see WIPO Overview 3.0, section 3.2.1).

Further, the Respondent has acknowledged registering other domain names containing well-known trademarks, such as <teslachargingstations.com>, which he claims to be holding on behalf of Tesla as a "defensive registration" — without any authorization from the trademark owner. While this may not amount to a pattern of bad faith conduct under paragraph 4(b)(ii), it raises legitimate concerns about the Respondent's motivations and supports the inference that the registration of the disputed domain name may have been opportunistic.

Taken together — the composition of the disputed domain name, the Respondent's passive holding, his failure to respond to cease and desist letters, and the registration of other trademark-related domains — the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

Accordingly, the Panel concludes that the Complainant has satisfied the third element under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arlacom.com**: Transferred

PANELLISTS

Name	**Barbora Donathová**

DATE OF PANEL DECISION 2025-07-29

Publish the Decision