Decision for dispute CAC-UDRP-107883

Case number	CAC-UDRP-107883
Time of filing	2025-08-25 09:45:11
Domain names	arla-usa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Privacy service provided by Withheld for Privacy ehf

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 proved to be the owner of numerous trademarks composed by the sign ARLA including:

i. ARLA, EU reg. no. 001520899 filed on 24/02/2000 and registered 07/05/2001 in class 1, 5, 29, 30, 31, 32;

ii. ARLA, US reg. no. 3325019 registered on 30/10/2007 in classes 1, 5, 29, 30

FACTUAL BACKGROUND

I- The Complainant

The Complainant is a large dairy company, active worldwide. The Complainant proved to have a strong presence in the US market. The Complainant also proved to own a wide domain name portfolio.

II - The Respondent

The Disputed Domain Name was registered on July 28th, 2025 by Patrick Vu, based in the US. The disputed domain name redirects to an inactive webpage.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
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

A. The disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights.

The Panel agrees that <arla-usa.com> is confusingly similar to the ARLA trademarks owned by the Complainant since it entirely contains the distinctive element ARLA. The addition of the geographical element "USA" does not exclude similarity between trademark and domain name since "USA" could be perceived as a reference to a local branch of the Complainant.

Lastly the disputed domain name's extension ".com" has only a technical function and consequently it should be disregarded for the purpose of assessing the first element of the Policy.

B. Rights and legitimate interests.

Under paragraph 4(a)(ii) of the Policy, a complainant has the burden of establishing that a respondent lacks rights or legitimate interests in respect of a domain name, but this burden is light. It is sufficient in the first instance for the Complainant to allege a prima facie case, and if the evidence presented is persuasive or yields a positive inference that the Respondent lacks rights or legitimate interests, the burden shifts to the Respondent to rebut the allegations.

In this case, the Panel finds that the Complainant’s submitted evidence and allegations, to which the Respondent did not reply, are sufficient to establish a prima facie case of lack of rights and legitimate interests in the disputed domain name.

In particular, the Complainant denies that the Respondent has ever been authorized to use the ARLA trademark as a domain name. Moreover, the WHOIS information and the online and trademark searches conducted by the Complainant exclude that the Respondent could be commonly known by the sign ARLA-USA.

Finally, the disputed domain name points to an inactive page which does not amount to a bona fide offering of goods/services nor to a fair/non-commercial use for the purpose of the Policy.

C. Registration and use in bad faith.

As regards the registration in bad faith, the Panel agrees that given the strong presence of the ARLA trademark online and in the US market, the Respondent had probably knowledge of the ARLA trademark owned by the Complainant and the business conducted under this trademark. The Panel finds that the combination of ARLA and USA is an additional index of bad faith since it could be perceived as a reference to the US branch of the ARLA company.

The disputed domain name redirects to an inactive webpage. This does not exclude bad faith since, given the distinctiveness and reputation of the ARLA trademark, it is improbable that, in case of use, the disputed domain name would not infringe the Complainant's rights on its trademarks.

Moreover, the Complainant proved that the disputed domain name was used in the context of a phishing scheme, which additionally proves bad faith in the use of the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arla-usa.com**: Transferred

PANELLISTS

Name	**Andrea Mascetti**

DATE OF PANEL DECISION 2025-10-04

Publish the Decision