Decision for dispute CAC-UDRP-107904

Case number	CAC-UDRP-107904
Time of filing	2025-09-03 09:22:43
Domain names	arlaorganicmilk.com

Case administrator

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

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	nguyen cong tien

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 (the "Domain Name").

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various registered trade marks that comprise or incorporate the terms “Arla” or “Ala Organic”.

They include:

1. International trade mark No. 731917 for "Arla” as a standard character mark in classes 1, 5, 29, 30, 31 and 32 with a registration date of 20 March 2000 based upon an earlier Danish trade mark registration and which has proceeded to registration in the European Union and Norway; and
2. Danish trade mark registration No. VR 2021 00350 for a figurative trade mark that incorporates the words “Arla” and “organic” in classes 5, 29, 30 and 32 registered on 15 February 2021

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant is the fifth-largest dairy company in the world and is a cooperative owned by more than 12,500 dairy farmers. It was constituted in 2000, when the largest Danish dairy cooperative MD Foods merged with its Swedish counterpart Arla ekonomisk Förening. The Complainant sells milk-based products under the ARLA and other brands.

The Complainant employs around 21,895 full time employees and achieved a global revenue of EUR 13,8 billion for the year 2024. It enjoys a strong presence globally, including in Vietnam.

The Complainant also owns numerous domain names containing the trademarks ARLA and ARLA ORGANIC, among them: <arla.com> (registered on 15 July 1996), <arla.ph> (registered on 31 August 2001), <arla.eu> (registered on 1 June 2006), <arlaorganic.com> (registered on 11 November 2016), <arlaorganic.net> (registered on 15 November 2016) and <arlaorganic.org> (registered on 15 November 2016). 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.

The Domain Name was registered on 26 July 2025. It resolves to a website allegedly operated by a company called “CÔNG TY TNHH XUẤT NHẬP KHẨU THÍCH SỮA” (“THICH SUA IMPORT EXPORT COMPANY LIMITED” in English). It displays the Complainant’s trade marks in prominent positions and invites consumers/internet users to purchase those products at a discounted price.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the 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 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 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 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 Panel accepts that the most sensible reading of the Domain Name is as the term " Arla, combined with the words “organic” and "milk" and the ".com" top level domain ("TLD")

The Complainant has demonstrated that it has registered trade marks for ARLA and it follows from this that the Complainant's mark is clearly recognisable in the Domain Name. The Complainant, therefore, holds at least one mark that is "confusingly similar" to the Domain Name as that term is understood under the UDRP. In this respect, see section 1.7 and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition. The Complainant has, therefore, made out the requirements of paragraph 4(a)(i) of the Policy.

It is clear that the Respondent deliberately registered the Domain Name with the knowledge of, and because of its associations with, the Complainant’s trade marks. This is obvious from both the fact that the Domain Name comprises the term “Arla” and words that are descriptive of the Complainant’s products, and the way in which the Domain Name has been used since registration.

The Complainant does not allege that the products offered for sale from the website operating from the Domain Name are anything other than genuine products of the Complainant. However, even if that is correct, the Panel is persuaded that the Respondent has no right or legitimate interest in the Domain Name and that the Domain Name has been registered and used in bad faith.

The reason for this is that the Panel accepts that the Domain Name inherently and deliberately impersonates the Complainant. The Domain Name takes the form of the Complainant's mark combined with terms that are purely descriptive of one of the products sold by the Complainant under the mark. Where a domain name takes such a form internet users are likely to read it as inherently suggesting sponsorship or enforcement by the trade mark owner. It is therefore a registration of a type identified in the first part of section 2.5.1 of the WIPO Overview 3.0 that inherently and falsely represents a sponsorship or endorsement that does not exist.

Further and in any event, the Panel also agrees with the Complainant's contention that the form of the website is such that it fails to satisfy the Oki Data test requirements (set out in section2.8 of the WIPO Overview 3.0) and in particular the requirement that the site accurately and prominently disclose the registrant's relationship with the trade mark holder. There does appear to be disclosure of the operator of the website at the bottom of the webpage operating from the Domain Name. However, this is in small text and where the Complainant's marks are overwhelmingly dominant. There is also no clear disclosure even in small text, of the fact that the website is not operated or authorised by the Complainant.

In the circumstances, the Panel holds that the Complainant has made out the requirements of paragraph 4(a)(ii) and 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. **arlaorganicmilk.com**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2025-10-07

Publish the Decision