Decision for dispute CAC-UDRP-107930

Case number	CAC-UDRP-107930
Time of filing	2025-09-11 12:15:56
Domain names	arla-us.com

Case administrator

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

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Arnold oil company of Huston

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 claims to be the owner of numerous trademark registrations for ARLA in various jurisdictions worldwide, including but not limited to the followings:

- International Trademark registration ARLA No. 731917, registered on 20 March 2000;
- EU Trademark registration ARLA No. 001520899, registered on 7 May 2001;
- US Trademark registration ARLA No. 3325019, registered on 30 October 2007;
- International Trademark registration ARLA (figurative) No. 990596, registered on 8 September 2008.

FACTUAL BACKGROUND

The Complainant claims to be the world's fifth-largest dairy company, a cooperative owned by over 7,600 farmers and 21,895 employees. Established in 2000 through the merger of Denmark's MD Foods and Sweden's Arla ekonomisk Förening, the Complainant employed approximately 20,900 staff in 2024 and reported global revenue of EUR 13.77 billion with a profit of EUR 417 million. Its dairy products are marketed worldwide under the well-known trademarks ARLA, LURPAK, CASTELLO, and APETINA, recognized for their quality and extensive promotion. In North America, 2024 revenue reached EUR 339 million with 2.6% growth in U.S. sales and 559 employees, and the Complainant operates its official U.S. website at <arlausa.com>. Through long-standing use, advertising, and substantial global sales, the Complainant's trademarks have acquired significant goodwill and international renown.

The Complainant owns numerous domain names incorporating its trademarks, including <arla.com> (registered on 15 July 1996), <arlausa.com> (registered on 02 August 2006), <arla.ph> (registered on 31 August 2001), <arla.eu> (registered on 01 June 2006), <arlafoods.com> (registered on 01 October 1999), <arlafoods.co.uk> (registered on 01 October 1999), and <arlafoods.ca> (registered on 29 November 2000). These domain names direct Internet users to the Complainant's official websites, where it promotes the ARLA mark and its products and services.

The Respondent appears to be a company in Huston [sic], TX, US.

The disputed domain name was registered on 30 July 2025.

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).

The Complainant owns numerous ARLA trademarks registered well before the disputed domain name <arla-us.com> was registered on 30 July 2025. The complainant claims that the disputed domain name incorporates the Complainant's ARLA mark in its entirety, followed by "us," a geographical reference to the United States, separated by a dash and ending with the gTLD ".com." This creates a likelihood of confusion with the Complainant's ARLA mark. The ARLA mark is distinctive and clearly recognizable. Previous UDRP panels have held that the addition of a descriptive or generic term does not prevent a finding of confusing similarity, and the generic gTLD ".com" should be disregarded in assessing confusing similarity.

By doing a side-by-side comparison, the Panel agrees that the disputed domain name is confusingly similar to the Complainant's trademark, see paragraph 1.7 of the WIPO Jurisprudential Overview 3.0.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant further claims that the disputed domain name <arla-us.com> was registered on 30 July 2025, long after the Complainant's trademarks were first registered. The Complainant has not licensed or authorized the Respondent to use the domain name, nor is the Respondent affiliated with, endorsed, or sponsored by the Complainant. There is no evidence that the Respondent is known by the disputed domain name or owns any trademark corresponding to "arla-us" or "arla-us.com."

The Complainant also asserts that the Respondent should have been aware, prior to registering the disputed domain name, that the Complainant owns the ARLA trademarks and has used them worldwide. The disputed domain name incorporates the ARLA mark in its second-level portion, reflecting an intention to create an association with the Complainant and a likelihood of confusion among Internet users. At the time of discovery and filing, the disputed domain name did not resolve to an active website. There is no evidence that the Respondent has engaged in any legitimate use of the domain name or has rights or interests in it. The disputed domain name is thus passively held, with no bona fide offering of goods or services or legitimate non-commercial use, consistent with prior decisions in similar circumstances.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. As a result, the burden of proof shifts to the Respondent to demonstrate such rights or interests. However, the Respondent has failed to submit any response within the required timeframe to rebut these assertions.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant asserts that the Respondent registered the disputed domain name almost 30 years after the Complainant's domain name <arla.com> and nearly 25 years after the first registration of the Complainant's ARLA trademarks. The ARLA mark is well known and has been recognized as such by prior UDRP panels and is registered in numerous countries. The Complainant maintains a strong online and social media presence to promote its marks and products. It is inconceivable that the Respondent was unaware of the Complainant at the time of registration. A simple online search for "arla-us" would have clearly revealed the Complainant's rights and reputation.

The Complainant further alleges that at the time of discovery and filing, the disputed domain name did not resolve to an active website. However, it was configured with active MX records via the "titan.email" service, enabling potential misuse for e-mail impersonation of the Complainant. Such configuration constitutes DNS abuse and tarnishes the Complainant's well-known ARLA mark. There is no conceivable good-faith use the Respondent could make of the disputed domain name. Similar cases have held that passive holding of a domain identical to a well-known mark constitutes bad-faith registration and use. The Respondent's failure to reply to the Complainant's cease-and-desist letter of 8 August 2025 further supports a finding of bad faith.

Having thoroughly considered the overall circumstances and in light of the Respondent's failure to submit an official response, the Panel concludes that the Respondent likely had actual knowledge of the Complainant's Arla trademark at the time of registering the disputed domain name, given the Complainant's reputation and prior trademark rights. The Panel finds that the Complainant and its ARLA mark enjoy a reputation of long standing, arising from their use and promotion over the past 30 years. The passive holding of the disputed domain name further supports the conclusion that its registration and use were in bad faith. See thyssenkrupp AG v KeLuBo Machinery (Guangdong) Co., Ltd., 107930 (CAC 2025-07-17) ("the Panel is of the view that it is unlikely to be a coincidence that the Respondent registered the disputed domain name containing the Complainant's KRUPP trademark. The Panel also notes that the disputed domain name was registered at least 90 years after the Complainant registered the KRUPP trademark in Canada, dating back to 1933. In addition, the passive holding of the disputed domain name does not prevent the Panel from finding that the registration and use of the disputed domain name were in bad faith.").

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain name should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2025-10-17

Publish the Decision