Decision for dispute CAC-UDRP-107969

Case number	CAC-UDRP-107969
Time of filing	2025-09-22 10:04:44
Domain names	arlafoodsinc.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Arla Foods amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	Joseph Eze

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

Among others, the Complainant owns the following registered trademarks:

Danish Registered Trademark Number VR 2000 01185, for the word mark ARLA FOODS registered on March 6, 2000 in Classes 01, 05, 29, 30, 31, and 32.

International Registered Trademark Number 731917, for the word mark ARLA registered on March 20, 2000 in Classes 1, 5, 29, 30, 31, and 32, having over 50 designations.

International Registered Trademark Number 1829124 for the word mark ARLA FOODS, registered on October 2, 2024 in Classes 1, 5, 9, 16, 29, 30, 32, 35, 39, 41, 42, 43, 44, and 45, having three designations.

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 a cooperative owned by more than 7,600 dairy farmers and 21,895 employees. The Complainant was constituted in 2000, when the largest Danish dairy cooperative MD Foods merged with its

Swedish counterpart Arla ekonomisk Förening. The Complainant reached a global revenue of EUR 13.770 billion for the year 2024.

The Complainant's products are recognized by the consumers all over the world due to the significant investments of the company in promoting its products and brands and offering high quality products. It sells its milk-based products under its famous marks ARLA, LURPAK, CASTELLO, APETINA, and others.

The Complainant also enjoys a strong online presence via its official website and social media. Due to extensive use, advertising and revenue associated with its trademarks worldwide, the Complainant enjoys a high degree of renown globally.

The Complainant also owns numerous domain names containing the trademark ARLA, among them: <arla.com> (registered on July 15, 1996), <arla.eu> (registered on June 1, 2006), <arlafoods.com> (registered on October 1, 1999) and <arlausa.com> (registered on August 2, 2006). 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 disputed domain name was registered on July 27, 2025. After learning of the registration of the disputed domain name, the Complainant sent a cease-and-desist letter to the Respondent on August 25, 2025, but received no reply.

The Respondent registered and used the disputed domain name to send e-mails impersonating the Complainant. On September 24, 2025, an e-mail bearing an address at the disputed domain name was transmitted via Zoho Mail infrastructure (host and IP address supplied) to an unsuspecting recipient. The message was crafted as a reply to an existing e-mail thread from The ODP Corporation (the parent company of Office Depot/OfficeMax).

The Complainant was made aware of this abuse on September 26, 2025, and immediately submitted an Abuse Report to the Registrar for DNS Abuse, phishing e-mail, on the same day.

Little is known about the Respondent, which has not participated in the administrative proceeding. It appears to be an individual based in the United States of America.

PARTIES CONTENTIONS

Complainant:

The disputed domain name reproduces the Complainant's ARLA and ARLA FOODS marks with no alteration. The addition of the term "inc" which is a suffix commonly understood to denote an incorporated entity, does not dispel confusing similarity but rather reinforces an impersonation of a corporate identifier. The Complainant's trademarks remain clearly recognizable in the disputed domain name. The domain name suffix for the disputed domain name may be disregarded for comparison purposes.

The disputed domain name was registered many years after the first registrations of the Complainant's trademarks. The Complainant has not licensed or authorised the Respondent to register or use the disputed domain name, nor is the Respondent affiliated with the Complainant in any way, or endorsed or sponsored by the Complainant.

The structure of the disputed domain name, which incorporates the term "inc", shows an intention to create an association with the Complainant, and a resulting likelihood of confusion in the minds of Internet users. Accordingly, the Respondent is seeking to exploit the Complainant's trademarks and reputation for commercial gain on the Internet. The Respondent has used the disputed domain name for e-mail purposes through the addition of MX records unconnected with the Complainant and to trade on the reputation of the Complainant's trademarks to generate business and mislead users. Such use harms the Complainant's reputation by creating a misleading association between the Complainant and any e-mails sent by the Respondent.

The Respondent registered the disputed domain name many years after the first registrations of the Complainant's ARLA and ARLA FOODS trademarks. Those marks are widely known and are registered in multiple jurisdictions. The Complainant also maintains a strong online presence and is active on social media platforms such as Facebook and Twitter to promote its marks, products, and services globally.

It is therefore not credible that the Respondent lacked knowledge of the Complainant when registering the disputed domain name. On the contrary, the record demonstrates that the Respondent was aware of the Complainant and deliberately targeted it when registering the disputed domain name, as evidenced by its use of the disputed domain name to send phishing e-mails designed to secure financial gain through fraud and deception.

The composition of the disputed domain name, incorporating in its second-level portion the Complainant's trademarks and business name, indicates the Respondent's intention to create an association with the Complainant and a consequent likelihood of confusion in the minds of Internet users.

Moreover, the disputed domain name has been configured with MX records, enabling the use of e-mails based on the disputed domain name and used to solicit users' personal data (name, surname, and e-mail address). This configuration further supports a finding of bad faith use. Panels have held that the establishment of MX records for a domain name constitutes use. Where the use of the disputed domain name sets up the Respondent to engage in behavior that falsely implies an affiliation with the Complainant, that is a use of the disputed domain name in bad faith. Furthermore, the Respondent's use of the disputed domain name in connection with illegitimate activities such as phishing and impersonation constitutes bad faith.

The Complainant sent a cease-and-desist letter to the Respondent to which no reply was received. Panels have found non-response to such correspondence can support an inference of bad faith.

Respondent:

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

The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in the mark ARLA and the mark ARLA FOODS by virtue of the registered trademarks listed above.

The Second-Level Domain of the disputed domain name incorporates the whole of the Complainant's ARLA and ARLA FOODS marks with the addition of the term "inc". Such addition, which is generally used to denote an incorporated entity, does not dispel the confusing similarity of the disputed domain name to the Complainant's marks. The domain name suffix of the disputed domain name can be disregarded for the purposes of the comparison (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1). In these circumstances, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks.

With regard to the second element of the Policy, 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. The Complainant asserts that it has no relationship with the Respondent and there is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademark including the term "arla" or "arla foods".

The disputed domain name incorporates the entirety of the Complainant's ARLA and ARLA FOODS marks. The Complainant shows that the disputed domain name has been used in connection with a fraudulent phishing scheme. This cannot confer rights or legitimate interests upon the Respondent.

The Respondent has not replied to the Complainant's allegations and evidence in this case, and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name incorporates the Complainant's widely-known trademarks ARLA and ARLA FOODS with the addition of a term descriptive of an incorporated entity. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see WIPO Overview 3.0, section 3.1.4).

As noted above, the Complainant's marks are in widespread use worldwide, not least in connection with the Complainant's various domain names. The disputed domain name has been used in a manner which is clearly intended to imitate the Complainant in an e-mail phishing scheme, in which the sender of the e-mails has passed itself off as an employee of the Complainant. In these circumstances, it is entirely reasonable to infer that the disputed domain name was registered by the Respondent with knowledge of the Complainant and its rights, and with an intent to target these unfairly and illegally. Consequently, there appears to the Panel to be no possible good faith reason for the Respondent to have selected the disputed domain name, and there are demonstrable indications of bad faith present in this case.

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith. The Respondent has not filed a Response in this case and therefore has not addressed the Complainant's assertions of bad faith registration and use to any extent. No explanation has been presented by the Respondent that might have suggested that its actions regarding the disputed domain name were in good faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arlafoodsinc.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2025-10-22

Publish the Decision