Decision for dispute CAC-UDRP-107970

Case number	CAC-UDRP-107970
Time of filing	2025-09-22 10:05:07
Domain names	arlafoodinc.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Arla Foods amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	Matthew Rucker

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns numerous trademark registrations for “ARLA” and “ARLA FOODS”, such as:

- EU Trademark registration “ARLA” 001520899, registered on May 7, 2001.
- International Trademark registration “ARLA” No. 731917, registered on March 20, 2000.
- International Trademark registration “ARLA FOODS” No. 1829124, registered on October 10, 2024.
- International trademark “ARLA” (figurative) 990596, registered on September 8, 2008.
- Danish trademark “ARLA FOODS” No. VR 2000 01185, registered on March 6, 2000.

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 incorporated in 2000, when the largest Danish dairy cooperative, MD Foods, merged with its Swedish counterpart, Arla ekonomisk Förening. The Complainant employs around 20,900 full-time staff and achieved global

revenue of EUR € 13.770 billion for the year 2024, with a profit of EUR € 417 million.

The Complainant sells milk-based products under its trademark “ARLA”, as well as under other well-known marks such as “LURPAK”, “CASTELLO”, and “APETINA”.

The Complainant also enjoys a strong presence globally. 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 around the world.

The Complainant also owns numerous domain names containing its trademarks, including <arla.com> (registered 15 July 1996), <arlausa.com> (registered 02 August 2006), <arla.ph> (registered 31 August 2001), <arla.eu> (registered 01 June 2006), <arlafoods.com> (registered 01 October 1999), <arlafoods.co.uk> (registered 01 October 1999), and <arlafoods.ca> (registered 29 November 2000). These domain names resolve to their official websites, through which it inform Internet users and potential consumers about their ARLA mark and related products and services.

The disputed domain name <arlafoodinc.com> was registered on 28 July 2025.

PARTIES CONTENTIONS

COMPLAINANT

1. THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant owns numerous “ARLA” and “ARLA FOODS” trademarks registered many years before the disputed domain name <arlafoodinc.com> was registered on 28 July 2025.

The disputed domain name incorporates, in its second-level portion, the Complainant's trademark “ARLA”, followed by the relevant terms “food” and “inc”.

Additionally, the domain name is a misspelled variation of the Complainant’s trademark “ARLA FOODS” without the last letter “s” and the inclusion of the term “inc”, and, in its first level portion, the generic TLD “.com”.

Finally, the Complainant is a Danish co-operative with limited liability incorporated as Arla Foods amba on 17 April 2000, CVR number 25313763. Its legal name and status are publicly recorded and accessible via the Danish register, and reflected in Arla’s corporate documents. The disputed domain name reproduces a misspelled variation of the Complainant’s business name and adds the company-law suffix “inc”. “Inc” is commonly understood to denote an incorporated entity and its addition does not dispel confusing similarity; rather, it reinforces an impersonation of a corporate identifier. Panels routinely find that where the relevant sign is recognizable in the domain name, the addition of other terms does not avoid confusing similarity, and that a complainant’s trade name/company name can support trade mark rights for standing under paragraph 4(a)(i) where the record shows use as a source identifier.

This is a classic case of typosquatting. The Complainant’s trademarks are deliberately misspelt in the second-level portion of the disputed domain name to capture typographical or perceptual errors by Internet users seeking to find or communicate with the Complainant online. The Complainant’s trademarks remain clearly recognizable in the disputed domain name.

Panels have consistently held that minor alterations to a complainant’s trade mark do not prevent a finding of confusing similarity, and that typosquatting creates a virtually identical and/or confusingly similar sign for the purposes of paragraph 4(a)(i).

Consistent with this, the WIPO Overview 3.0, §1.9 explains that domain names comprising a common, obvious, or intentional misspelling of a trade mark are considered confusingly similar; recognized examples include character substitutions using letters that may appear similar in certain fonts.

Moreover, the generic Top-Level Domain “.com” in the first level portion of the disputed domain name is a standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to the trademark in which the Complainant has rights.

The disputed domain name is therefore confusingly similar to the Complainant’s trademarks “ARLA” and “ARLA FOODS”.

2. RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTEREST IN RESPECT OF THE DISPUTED DOMAIN NAME

The disputed domain name was registered on 28 July 2025, many years after the first registrations of the Complainant’s trademarks.

The Complainant has not licensed or authorized 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 or the Respondent’s website.

Online searches for "arlafood inc" and "arla food inc" return results referring to the Complainant. A search for "Matthew Rucker" together with "Arla Food" and "arlafoodinc" yielded no meaningful results concerning the Respondent and only references to the Complainant.

There is no evidence that the Respondent owns any registered trade mark corresponding to the disputed domain name terms. Searches of online trade mark databases returned no registrations for "ARLA FOOD INC" or "ARLA FOOD". An additional search in the Respondent's name returned no results.

The structure of the dispute domain name, which in its second-level portion incorporates a misspelt version of the Complainant's trade marks by omitting the letter "s" and adding 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. Using a misspelt version of the Complainant's trade marks in the disputed domain name evidences an attempt to capitalize on user error when typing the Complainant's trade mark or reading the disputed domain name.

The Complainant also draws the Panel's attention to the fact that <arlafoods.com> forms part of its domain-name portfolio and appears in the Complainant's incorporation documents as the email domain for official communications.

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 to divert traffic to a website unconnected with the Complainant and to trade on the reputation of the Complainant's trademarks to generate business and redirect users to that site. Such use harms the Complainant's reputation by creating a misleading association between the Complainant and the linked website.

After learning of the registration of the disputed domain name around 25 August 2025, the Complainant sent a cease-and-desist letter to the Respondent and follow-up reminders, but received no reply.

The Respondent has had an opportunity to present evidence of rights or legitimate interests in the disputed domain name and has failed to do so. This, together with the absence of any bona fide use, further confirms the Respondent's lack of rights or legitimate interests in respect of the disputed domain name.

In light of the above-mentioned circumstances, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

- Registration of the Disputed Domain Name in bad faith

The Respondent registered the disputed domain name on 28 July 2025, many years after the first registrations of the Complainant's "ARLA" and "ARLA FOODS" trademarks. Those marks are widely known, as recognized by UDRP panels, and they 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.

It is therefore not credible that the Respondent lacked knowledge of the Complainant when registering the disputed domain name.

On the contrary, the record indicates that the Respondent knew of the Complainant and targeted it when registering the disputed domain name.

The composition of the disputed domain name, which in its second-level portion incorporates a misspelt version of the Complainant's trademarks, indicates an intention to create an association with the Complainant and a consequent likelihood of confusion in the minds of Internet users. Use of a misspelt version of the Complainant's trade marks in the disputed domain name evidences an attempt to capitalize on user error when typing the Complainant's trade mark or reading the dispute domain name, and thus knowledge of the Complainant.

Accordingly, the Respondent knew of the Complainant's trademarks when it registered the disputed domain name and did so in bad faith.

- Use of the disputed domain name in bad faith

As noted above, the composition of the dispute domain name—incorporating in its second-level portion a misspelt version of the Complainant's trademarks—indicates the Respondent's intention to create an association with the Complainant and a consequent likelihood of confusion in the minds of Internet users.

Consistently, panels have held that the mere registration of a domain name that is identical or confusingly similar (including typos or the addition of a descriptive term) to a famous or widely-known trade mark by an unaffiliated entity may by itself create a presumption of bad faith (WIPO Overview 3.0, §3.1.4).

Moreover, the disputed domain name has been configured with MX records, enabling email to be sent from addresses based on the disputed domain name and potentially used to solicit users' personal data (name, surname, and email). This further supports a finding of bad-faith use.

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

In view of the above, the Respondent registered and used the disputed domain name in bad faith within the meaning of paragraph

4(a)(iii) of the Policy.

RESPONDENT

No administratively compliant Response was filed.

RIGHTS

To the satisfaction of the Panel, the Complainant has shown that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 have been met, and there is no other reason why it would be unsuitable for providing the Decision.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar

The Panel is satisfied that the Complainant holds valid rights in the “ARLA” and “ARLA FOODS” trademarks.

The Panel notes that the disputed domain name incorporates the Complainant’s mark “ARLA” in its entirety, followed by the terms “food” and “inc”. These additions do not prevent a finding of confusing similarity. On the contrary, the combination “arlafoodinc” closely resembles the Complainant’s other trademark, namely, “ARLA FOODS”, differing only by the omission of the final letter “s” and the inclusion of the corporate identifier “inc”. Such a modification reinforces rather than dispels confusion by suggesting a corporate affiliation with the Complainant.

This could be classified as an example of typosquatting, where a domain name intentionally imitates a well-known trademark to mislead users. The Complainant’s trademark remains clearly recognizable within the disputed domain name.

Accordingly, the Panel finds that the disputed domain name <arlafoodinc.com> is confusingly similar to the Complainant’s trademarks “ARLA” and “ARLA FOODS”. The first element under paragraph 4(a)(i) of the Policy is therefore satisfied.

2. Rights or Legitimate Interests

Based on the evidence on record, and noting that the Respondent failed to submit any response or provide evidence demonstrating rights or legitimate interests in the disputed domain name, the Panel turns to the uncontested facts.

The uncontested facts indicate that:

- the disputed domain name was registered many years after the Complainant’s trademarks “ARLA” and “ARLA FOODS”;
- the Respondent is not commonly known by the disputed domain name;
- the Respondent is not affiliated with the Complainant and has not been licensed or authorized to use its trademarks or register domain names containing them;
- online searches for “Arla Food Inc” and for the Respondent’s name “Matthew Rucker” in combination with “Arla Food” or “arlafoodinc” return no results connecting the Respondent to any legitimate business or activity;
- there is no evidence of any registered or unregistered rights in “ARLA FOOD INC” or “ARLA FOOD” held by the Respondent; and

- the composition of the disputed domain name—omitting the final “s” from the Complainant’s trademark and adding the term “inc”—appears intended to create an association with the Complainant and mislead Internet users.

In the Panel’s view, these facts are sufficient to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, in accordance with section 2.1 of the WIPO Overview 3.0. The Respondent has not rebutted this case.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has therefore satisfied the second requirement under paragraph 4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith

According to the record and evidence at hand, the Panel finds that the Respondent was likely aware of the Complainant and had the Complainant’s well-known trademarks “ARLA” and “ARLA FOODS” in mind when registering the disputed domain name. The disputed domain name was registered many years after the Complainant’s trademarks and clearly incorporates a misspelled version of them by omitting the final “s” and adding the term “inc”.

This composition shows an intention to create an association with the Complainant and to mislead Internet users into believing that the disputed domain name is connected to or operated by the Complainant. The configuration of MX records, without any explanation to the contrary, also supports the likelihood that the domain name could be used to impersonate the Complainant in email communications, increasing the potential for deception.

On the balance of probabilities, and without any explanation to the contrary, the Respondent appears to have deliberately targeted the Complainant’s trademarks to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the disputed domain name, as described under paragraph 4(b) of the Policy and section 3.1 of the WIPO Overview 3.0, which is persuasive to the Panel

In light of the case’s circumstances and based on the available record, the Panel finds that the disputed domain name was registered and is being used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

4. Decision

For the reasons mentioned above and according to the provisions in Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arlafoodinc.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2025-10-23

Publish the Decision