Decision for dispute CAC-UDRP-108037

Case number	CAC-UDRP-108037
Time of filing	2025-10-13 10:33:23
Domain names	aarke.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Aarke AB

Complainant representative

Organization	Abion AB

Respondent

Name	faqing zeng

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 is the owner of the following registered trademarks:

Jurisdiction	Registration Number	Trademark	Registration Date
European Union	016936064	AARKE	October 30, 2017
International	1382793	AARKE	November 7, 2017
United States	5667723	AARKE	February 5, 2019

China	23089594	AARKE	March 7, 2023
China	67068191	AARKE	April 7, 2023

The Complainant also asserts the following rights in respect of the following domain names:

Domain Name	Registration Date
aarke.com	September 3, 2012
aarke.info	September 9, 2025
aarke.eu	November 7, 2016

FACTUAL BACKGROUND

The Complainant is a Swedish company known for designing and producing premium kitchen appliances, such as sparkling-water makers, kettles, water filters, and coffee equipment.

The Complainant was founded in 2013 by Carl Ljungh and Jonas Groth in Stockholm. It has grown steadily, reaching an annual turnover of over EUR 35 million.

The AARKE brand is said to be easily recognised by customers worldwide, owing to its focus on strong product design, branding, and quality manufacturing. Its products are available in numerous countries through a wide retailer network, especially in China. The Complainant maintains a prominent online presence through its website and social media channels.

The Complainant's reputation for innovation and sustainability is said to have contributed to its high global recognition.

The disputed domain name <aarke.shop> was registered on September 2, 2025, and resolves to an inactive page.

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 administrative compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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 principles to determine whether a disputed domain name is identical or confusingly similar to a trademark are uncontroversial. Essentially, the approach is to conduct a side-by-side comparison with the disputed domain name. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323.

A disputed domain name is identical to a complainant's registered trademark when it is a character-for-character match. It is confusingly similar when it varies the trademark by, for example, adding generic terms to the dominant part of the trademark.

It is also well established that a domain name which wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for UDRP purposes. See WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

Here, the disputed domain name incorporates in its entirety the Complainant's trademark "AARKE". It is a character for character

match, and accordingly it is identical to the Complainant's registered trademark.

The addition of the gTLD ".shop" to the disputed domain name does not add any distinctiveness to the disputed domain name and will be disregarded for the purposes of considering this ground. See WIPO Jurisprudential Overview 3.0, 1.1.

Accordingly, the Panel considers that this ground is made out.

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).

The principles to guide the Panel's determination of this element are uncontroversial.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455; Document Technologies, Inc. v. International Electronic Communications Inc., WIPO Case No. D2000-0270.

Once such a prima facie case is made, the burden shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

If the respondent fails to discharge the burden, paragraph 4(a)(ii) of the Policy is satisfied.

Here, the disputed domain name was registered well after the Complainant's trademark was registered. There is no evidence that the Respondent holds any trademark rights to the disputed domain name, nor is it known by the disputed domain name.

The following matters are asserted by the Complainant against the Respondent:

- It has not been granted any rights to use the Complainant's trademark in any form;
- It has not been licensed or authorised to register or use the disputed domain name;
- It is not affiliated with, endorsed by, or sponsored by the Complainant.

The Panel accepts these unchallenged assertions.

The Respondent has not filed any administrative compliant response. As such, there is no evidence of the Respondent's use, or of demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Panel also notes that on September 8, 2025, the Complainant sent the Respondent a Cease-and-Desist Letter. As at the date of the filing of the Complaint, the Respondent has not responded to the said Letter.

The Complainant also adduced evidence that shows the disputed domain name resolves to an inactive website. There is no identifiable information about the Respondent's contact details other than the name "faqing zeng" and e-mail address "hui926996@163.com".

The Panel considers that such conduct demonstrates that the disputed domain name is not being used for any legitimate purpose.

Given the contentions and evidence adduced are unrefuted, the Panel finds there is no affiliation between the Complainant and Respondent that would give rise to any authorisation or licence to use the Complainant's trademark or to apply for the registration of the disputed domain name.

The Panel is prepared to accept and find that the Respondent's purported use of the disputed domain name is not a bona fide offer of goods or services or a legitimate use of domain name.

Accordingly, the Panel finds this ground made out.

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 must demonstrate that the disputed domain name was registered and is being used in bad faith.

Registration and use of a domain name in bad faith may be found where a respondent knew or should have known of the complainant and its trademark rights at the time when it registered or acquired the domain name, and the respondent proceeded to use the domain name intentionally by attempting to target the complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances, if found to be present, as evidence of registration and

use of a domain name in bad faith.

The evidence shows that the Complainant's trademark is well known and has a worldwide reputation developed through its international network of retailers, including in China. It also shows that the Complainant has a strong online presence via its official website and social media.

Here, the Respondent registered the disputed domain name by incorporating the entirety of the Complainant's trademark. The only addition to the disputed domain name is the gTLD identifier ".shop", which is ignored for the reasons the Panel has already stated.

Given the evidence adduced of the Complainant's rights arising from its trademark registration, its ownership of domain names incorporating its trademark, and its worldwide reputation among consumers, the Panel accepts the Complainant's contention that the Respondent registered the disputed domain name with knowledge or awareness of the Complainant's reputation and trademark rights.

The Panel is prepared to infer that the Respondent registered the disputed domain name with the apparent intent to exploit consumer recognition of the Complainant's brand.

The Panel is also satisfied that the Respondent is holding the disputed domain name passively for a purpose other than a bona fide offering of goods and services. There is no evidence of any use or fair use, or attempted use of the disputed domain name that is legitimate and non-commercial.

The Complainant, upon finding out about the registration of the disputed domain name, sent a Cease-and-Desist Letter on September 8, 2025 through the Registrar abuse contact requesting that the said Letter be forwarded to the Respondent.

The Panel finds that such conduct is designed to divert traffic intended for the Complainant thereby taking advantage of the Complainant's reputation and trademark for the Respondent's own financial benefit.

Given the Respondent's failure to file any administrative compliant response, the Panel finds that the Respondent's conduct amounts to bad faith in contravention of paragraph 4(b)(iv).

Accordingly, the Panel accepts that the disputed domain name was registered by the Respondent and used in bad faith.

PROCEDURAL FACTORS

Language of the proceedings

The Complainant requests that the proceedings be in English, despite the language of the Registration Agreement for the disputed domain name being in Chinese.

Rule 11 provides that, unless otherwise agreed to by the Parties or specified otherwise in the Registration Agreement, the language of the administrative proceedings shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise having regard to the circumstances of the administrative proceedings.

In support of the request, the Complainant asserts the following matters:

- The Respondent has familiarity with the English language. On the other hand, the Complainant faces difficulty with the Chinese language, and requiring a translation would impose an undue burden and risk unnecessary delay;
- The disputed domain name is composed of Latin characters and incorporates the English term <.shop>, as generic Top-Level domain;
- The Respondent has registered numerous other domain names using Latin characters and incorporating English terms.

The Panel accepts the Complainant's contention and finds that it would be disproportionate to require the Complainant to bear the costs of translation, which will likely further delay the proceedings.

As such, the Panel is prepared to draw the inference that the Respondent has apparent familiarity with the English language.

Further, the Panel considers that the CAC has taken reasonable steps to notify the Respondent of the administrative proceedings, to which there has been no administrative compliant response received from the Respondent.

Accordingly, the Panel will proceed to determine this proceeding in the English language.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

On November 4, 2025, the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

“Please be aware that the CAC was not able to send the written notice to the Respondent as the address provided by the Registrar in Registrar verification does not exist. The postal service provider would not be able to deliver a written notice to such an address. No other address for correspondence was found on the disputed domain name.

As far as the e-mail notice is concerned, we received a confirmation that the e-mail notice sent to <postmaster@aarke.shop> was returned back non-delivered as the e-mail address had permanent fatal errors.

The e-mail notice was also sent to <hui926996@163.com>, but we never received any proof of delivery or notification of non-delivery.

No further e-mail address could be found on the disputed site.

The Respondent never accessed the online platform.”

Given the reasonable measures employed by CAC as set out in the above non-standard communication, 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 owns the international trademark “AARKE” as well as the domain names incorporating its trademark, namely <aarke.com>, <aarke.info>, and <aarke.eu>, which are used in connection with its goods and services.

The Respondent registered the disputed domain name on September 2, 2025, well after the Complainant established its rights in the “AARKE” trademark and its domain names.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy, seeking transfer of the disputed domain name.

The Respondent failed to file any administrative compliant response.

For the reasons articulated in the Panel’s findings above, the Panel is satisfied that:

- The disputed domain name is identical to the Complainant’s trademark “AARKE”;
- The Respondent has no rights or legitimate interests in respect of the disputed domain name;
- 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. **aarke.shop**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2025-11-13

Publish the Decision