Decision for dispute CAC-UDRP-108149

Case number	CAC-UDRP-108149
Time of filing	2025-11-18 09:51:46
Domain names	arlafoodsgroup.com

Case administrator

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

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	Mike Okri

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

Complainant is the owner, among others, of the following registrations for the trademarks:

- US Trademark registration ARLA No. 3325019, registered on 30 October 2007;
- US Trademark registration ARLA (figurative) 3651489, registered on 7 July 2009;
- International Trademark registration ARLA No. 731917, registered on 20 March 2000, designating many countries in the world;
- International Trademark ARLA FOODS No. 1829124, registered on 2 October 2024, designating the European Union, United Kingdom and Norway.

Complainant has submitted evidence of the above-mentioned registrations through print outs of the trademark database of the United States Patents and Trademark Office and Madrid Express (trademark database of WIPO).

FACTUAL BACKGROUND

Complainant is Arla Foods Amba, with domicile in Viby J, Denmark. Arla Foods is the fifth largest dairy company in the world and a cooperative owned by more than 12,500 dairy farmers. The company was constituted in 2000, when the largest Danish dairy cooperative MD Foods merged with its Swedish counterpart Arla ekonomisk Förening. Complainant employs around 21,895 full time employees and reached a global revenue of EUR 13,8 billion for the year 2024. The "Consolidated Annual Report 2024" is enclosed to the Complaint.

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

Complainant also enjoys a strong presence globally, in real as well as online via its official website and Social Media, of which illustrative material is enclosed to the Complaint. Due to extensive use, advertising and revenue associated with its trademarks worldwide, Complainant enjoys a high degree of renown around the world, according to Complainant.

Further, Complainant has a strong business presence in the United States, where it sells its products and services through two local branches: Arla Foods Inc., USA, and Arla Foods Hollandtown Dairy. Print outs of the American websites, from which it can be seen that in Canada Complainant has 6 establishments and in the United States it has 3 establishments.

Respondent is Mike Okri, with domicile in Los Angeles, United States. He registered the disputed domain name <arlafoodsgroup.com> on 20 October 2025.

The disputed domain name was used as part of a fraudulent scheme impersonating Complainant as Complainant alleges: On 20 October 2025, the disputed domain name was used to send deceptive e-mails to one of Complainant's business partners, imitating legitimate correspondence from an employee of Complainant, containing falsified payment instructions in an attempt to divert funds.

Following a takedown request sent to the registrar of the disputed domain name, the registrar placed the disputed domain name on ClientHold status on 24 October 2025, effectively disabling it. Complainant has attached evidence of the aforesaid to the Complaint.

At the time of filing the Complaint, the disputed domain name resolves to an inactive website. Evidence of this is enclosed as well.

PARTIES CONTENTIONS

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

According to the Policy paragraph 4(a)(i) it needs first to be established that:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

The disputed domain name incorporates, in its second-level portion, Complainant's trademarks ARLA and ARLA FOODS, in combination with a generic term "group", which is closely related to Complainant and its business operations.

The addition of the term "group" does not prevent a finding of confusing similarity, as the ARLA and ARLA FOODS trademarks remain clearly recognizable within the disputed domain name, according to Complainant and it cites in this respect WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "WIPO Overview 3.0"), section 1.8:

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements.

Further Complainant alleges that a previous UDRP Panel has held that:

the addition of the term "group" would not prevent a finding of confusing similarity to a trademark if the domain name differs only by the addition of the term "group", a hyphen connecting this term to the mark, and the generic Top-Level Domain ".com". According to the Panel's findings, many Internet users would assume that the domain name refers to Complainant. (see BASF SE v. Domains By Proxy, LLC / Fabrice BEAUQUESNE, WIPO Case No. D2018-0596).

Moreover, Complainant continues,

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 (see Credit Mutuel Arkea v. Domain Administration, CAC Case No. 102345).

In light of the above, the Panel should find that the disputed domain name is confusingly similar to Complainant's trademarks ARLA and ARLA FOODS, Complainant concludes.

The Panel firstly notes that the trademark registrations of Complainant predate the registration of the disputed domain name and thus the trademark rights prevail.

Further, the Panel agrees with Complainant that the trademarks ARLA and ARLA FOODS and the disputed domain name are confusingly similar as the dominant element ARLA, being Complainant's trademark, is clearly standing out in the disputed domain name.

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

According to the Policy paragraph 4(a)(ii) it needs further to be established that:

(ii) respondent has no rights or legitimate interests in respect of the domain name.

Paragraph 4 (c) of the Policy provides circumstances that could demonstrate that respondent has no rights to and legitimate interests in the domain name. These circumstances are not exclusive. Circumstance that are providing rights or legitimate interests to the domain name are:

(i) before any notice to the Respondent of the dispute, the use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if though it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Further, according to the WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd.:

Complainant is required to make out a prima facie case that Respondent lacks rights or legitimate interests. Once such prima facie case is made, Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Complainant alleges that it has never granted the Respondent with any rights to use the ARLA and ARLA FOODS trademarks in any form, including in the disputed domain name.

Further, Complainant continues that there is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademark including the disputed domain name terms "arlafoods", "arlafoodsgroup" and "arlafoodsgroup.com. It illustrates the aforesaid by claiming that:

- When conducting a search regarding the disputed domain name terms "arlafoods", "arlafoodsgroup" and "arlafoodsgroup.com" on popular Internet search engines, such as Google, all the top results relate to Complainant;

- When conducting the search by the name of Respondent (Okri Mike or Mike Okri) along with the terms "arlafoods", "arlafoodsgroup" and "arlafoodsgroup.com", there is no result showing Respondent is known by the disputed domain name;

- When conducting searches on online trademark databases, no information is found in relation with trademarks corresponding to the terms "arlafoodsgroup" and "arlafoodsgroup.com";

- searches in online trademark databases indicate that Respondent does not hold any trademark registrations.

Of all claims evidence is included in the Complaint.

Also, Complainant alleges that Respondent could have easily performed a similarity search before registering the disputed domain name and would have quickly learnt that the trademarks are owned by Complainant and that Complainant has been using the

trademarks for their business activities.

Moreover, the conduct of sending deceptive emails containing falsified payment instructions in an attempt to divert funds is manifestly illegitimate and can never confer rights or legitimate interests upon Respondent. In this respect Complainant refers to Section 2.13 of the WIPO Overview 3.0:

… the use of a domain name for illegal activity – for example, impersonation or phishing – can never confer rights or legitimate interests on a Respondent. It appears that the related email activity aimed at luring Internet users and business partners into disclosing sensitive financial information, potentially leading to unauthorized transfers and other misuse of private data.

The Panel notes that Respondent did not counterargue the allegations of Complainant. Further, these prima facie allegations are sufficient to conclude.

Complainant has, to the satisfaction of the Panel, shown 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

According to the Policy paragraph 4(a)(iii) it finally needs to be established that:

(iii) the domain name has been registered and is being used in bad faith.

Paragraph 4 (b) of the Policy provides circumstances on that demonstrate that Respondent has registered and used the domain name in bad faith. These circumstances are not exclusive.

Those circumstance are for example:

(i) circumstances indicating that Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Registration in bad faith

Complainant firstly notes that the disputed domain name was registered many years after the first registration of Complainant’s ARLA trademark. Moreover, the ARLA trademark is well known. Complainant substantiates this allegation by mentioning several previous UDRP decisions, but these cases are not included to the Complaint nor cited. Further, Complainant alleges that it enjoys a strong online presence and is very active on Social Media platforms to promote its mark, products and services: on Facebook ARLA has 1.3 million followers, ARLA DAIRY UK has 12,8 K followers, and ARLA USA has 6,906 followers on Instagram.

Complainant continues with claiming that by conducting a simple online search regarding the disputed domain name terms “arlafoods”, “arlafoodsgroup” and “arlafoodsgroup.com” in search engines, such as Google, Respondent would have inevitably learnt about the Complainant, its trademarks and business. A search has been attached to the Complaint.

Also, Complainant demonstrates with a Google search that there is no connection between ARLA and Respondent.

Shortly after its registration, Respondent used the disputed domain name to impersonate an employee of Complainant and to send fraudulent e-mails to one of Complainant’s business partners, attaching falsified invoices to divert payments.

This demonstrates that Respondent registered the disputed domain name with full knowledge of the Complainant’s rights and with the intent to exploit its reputation for financial gain through deception.

Therefore, Complainant concludes, Respondent has registered the disputed domain name in bad faith.

The Panel has the following findings.

Essential is that Complainant establishes that Respondent, an American citizen, should have known about Complainant. Reputation of Complainant’s trademark ARLA (FOODS) is an element that is important in this respect.

The Panel cannot establish the reputation based on previous UDRP decisions if these are not attached to the Complaint, nor cited. Further, the social media followers do provide some evidence but the amount of followers could be questioned, especially because the Respondent originates from the USA and, based on the evidence submitted, the Panel concludes that ARLA is not so strong in the USA (only 6,906 followers on Instagram) In real, it appears from the document 'ARLA FOODS presence in the US that ARLA has only 9 establishments in North America, of which only 3 in the United States.

The fact that online searches on ARLA reveal Complainant's company are a good indication that Respondent should have known about Complainant.

However, decisive here is the fact that the email from Respondent's people to the ARLA employee is written as originating from Denmark and requesting a payment to a Norwegian bank account. From that the Panel concludes that Respondent was aware of the reputation of ARLA in those countries.

Thus, the domain name was registered with knowledge of Complainant's company and thus registered bad faith.

Use in bad faith

According to Complainant Paragraph 4(b)(iv) of the Policy is at stake here: the structure of the disputed domain name reflects Respondent's intention to create an association, and a subsequent likelihood of confusion, with Complainant and its trademark in Internet users' mind. As by reading Disputed Domain Name, Internet users may believe that it is directly connected to or authorized by the Complainant.

Respondent used the disputed domain name as part of a phishing scheme designed to impersonate Complainant and deceive one of its business partners. Such conduct demonstrates that Respondent used the disputed domain name for phishing and impersonation, aimed at exploiting Complainant's reputation for unlawful financial gain.

Furthermore, Complainant alleges that Paragraph 4(b)(ii) of the Policy is at stake here and that Respondent is a cyber squatter as Respondent owns numerous other domain names that appear to target well-known trademarks. In this respect Complainant submits a print out of an ICANN search revealing that Respondent has a domain name comprising the trademark UPS, a domain name comprising the trademark LASX AND a domain name comprising the trademark ZUBLIN. This constitutes evidence of a pattern of such conduct within the meaning of Paragraph 4(b)(ii).

Therefore, Complainant concludes, that Respondent has used the disputed domain name in bad faith.

Based on the above the Panel has the following findings.

The disputed domain name was used to send deceiving email to business partners of ARLA in order to have them pay deceptive invoices. After the Take Down by the Register and at the filing of this Complaint, the disputed domain name resolved no longer to a website.

In this Complaint thus the actual situation is that the disputed domain name has been used for activities that are determined under the Policy as use in bad faith, but currently this particular use is not at stake.

The Panel concludes, that it is likely that Respondent deleted the webpage following the Complaint, and by deleting the webpage Respondent would expect not to fulfil the criteria of paragraph 4(a)(iii) of the Policy with respect to bad faith use of the disputed domain name. Consequently, Respondent could keep the disputed domain name.

As already stated by previous panels, the sudden deletion of a webpage belonging to a domain name that is similar to a reputed trademark and that follows in connection with a UDRP Complaint cannot be seen different than in the light of the previous use, namely use of the trademark of Complainant in order to attempted to collect personal data for illegal purposes.

And,

"[a]lthough the disputed domain name is no longer active, considering the distinctiveness and reputation of Complainant's trade mark and the composition of the disputed domain name clearly targeting Complainant, the Panel finds that the current non-use of the disputed domain name does not change the Panel's finding of Respondent's bad faith.

(citation of JCDECAUX SE v. li didi, WIPO Case No. D2025-2686).

The bad faith is further also underlined by the demonstration of Respondent's possession of domain names comprising of, i.a., other well known trademarks.

The Panel thus concludes that also the use of the domain name is in bad faith.

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arlafoodsgroup.com**: Transferred

PANELLISTS

Name	**Marieke Westgeest**

DATE OF PANEL DECISION 2025-12-29

Publish the Decision