Decision for dispute CAC-UDRP-108369

Case number	CAC-UDRP-108369
Time of filing	2026-01-29 10:15:17
Domain names	arlafoodusa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondent

Name	GERALD E. KATZ

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

US TM Registration No. 3325019 for ARLA in relation to various food goods registered from 1 November 2006.

International TM Registration No. 1829124 for ARLA FOODS in relation to various goods and services, including food goods, registered from 2 October 2024

FACTUAL BACKGROUND

The Complainant trades as "Arla Foods". It operates as a cooperative owned by over 12,500 dairy farmers and it is the fifth-largest dairy foods business in the world. It employs approximately 21,895 people worldwide and its global revenue for the year 2024 was approximately EURO 13.8 Billion. Further, it has a strong business presence in the United States of America, where it sells its products through two local branches, being Arla Foods Inc USA and Arla Foods Hollandtown Dairy.

The Complainant owns numerous trademarks containing or consisting of the words ARLA and ARLA FOODS, including the registrations referred to above. It is also the registrant for numerous domain names containing the words "ARLA" and "ARLA FOODS", including <arla.com> (registered from 15 July 1996), <arlafoods.com> (registered from 1 October 1999) and <arlausa.com> (registered from 2 August 2006.

The Disputed Domain Name <arlafoodsusa.com> was registered on 25 September 2025. The Respondent provided the registrant's name of "Gerald E. Katz" and an address located in the United States of America. The Respondent does not have a relationship with the Complainant.

The Disputed Domain Name has been used to send emails to the Complainant's business partners. The Complainant has provided evidence of these emails, which demonstrate that the writer used the Complainant's logo and company details in order to impersonate the Complainant. The emails involve the writer asking questions of the Complainant's business partners in order to elicit information.

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).

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

Paragraph (4)(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the disputed domain name registered by the Respondent should be transferred to the Complainant:

1) the disputed domain name is identical or confusingly similar to a trademark or service mark ("mark") in which the Complainant has rights; and
2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the Complainant has satisfied all three elements for the principal reasons set out below.

RIGHTS IN AN IDENTICAL OR CONFUSINGLY SIMILAR TRADEMARK

The Complainant has claimed registered rights over trade marks containing or consisting of the words ARLA and ARLA FOODS. This includes the above mentioned registrations in relation to various goods and services, including food goods.

To satisfy paragraph 4(a)(i) of the Policy it is enough that the Panel is satisfied that the Complainant has registered rights in a single

trademark in a single jurisdiction that predates the registration of the disputed domain name (even if that single jurisdiction is not one in which the Respondent resides or operates) (Koninklijike KPN N.V. v. Telepathy, Inc D2001-0217 (WIPO 7 May 2001); see also WIPO Case Nos. D2012-0141 and D2011-1436).

Hence here registered rights in both ARLA and ARLA FOODS are established.

The next question is whether the disputed domain names are confusingly similar to either or both of these trademarks.

At the outset, the inclusion of the descriptive word "Foods" would make little difference in the eyes of consumers when observing ARLA and ARLA FOODS. It is the ARLA element that is the most significant brand indicator to a consumer.

Next, when comparing both ARLA and ARLA FOODS to the disputed domain name the similarities are striking. Again, the word ARLA is the most significant brand indicator and it is completely reproduced in the disputed domain name. The "FOODUSA" element is unlikely to detract attention from these striking similarities as "FOODUSA" merely indicates the goods or services provided are in relation to FOOD and are provided from a location in the USA.

The disputed domain name is confusingly similar to both the Complainant's ARLA and ARLA FOODS registered trademarks referred to above.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests (Croatia Airlines d.d. v. Modern Empire Internet Ltd. WIPO Case No. D2003-0455). Once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

The Respondent is not identified in the Whois database as having a name related to the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name. Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> (“Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.” The Panel therefore finds under Policy ¶ 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c) (ii).”).

There are no other facts that would indicate the Respondent has any rights or legitimate interests in the disputed domain name. Rather, the facts indicate quite the opposite. Namely, the emails sent using the Disputed Domain Name can only be interpreted as clear attempts to impersonate the Complainant in order to obtain information. Such conduct indicates the Respondent's interest in the Disputed Domain Name is one motivated by illegitimate motives. In such circumstances, the Complainant has made out its prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has no rights or interests in the disputed domain name.

BAD FAITH

Given that;

(a). The Complainant has a significant reputation in the ARLA trademarks, including in the United States of America; and

(c). the Respondent has used the Disputed Domain Name to impersonate the Complainant;

It is beyond all doubt that the Respondent knew of the Complainant's reputation and rights in the ARLA trademark at the time of registering the disputed domain name.

As the Panel has found the Respondent had such prior knowledge of the ARLA trademark at the time of registering the disputed domain name it can only follow that its purpose in registering the Disputed Domain Name was to opportunistically profit from such confusing similarity. The Respondent targeted the Complainant's well-known name for this purpose. Its subsequent conduct in using the Disputed Domain Name in an illegitimate attempt to impersonate the Complainant to obtain information reinforces this finding. Such opportunism has been recognised as bad faith by numerous panels. The Panel refers to the commentary of the learned Gerald M Levine, Domain Name Arbitration, Legal Corner Press, 2nd ed. 2019, pp.432 to 434.

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. **arlafoodusa.com**: Transferred

PANELLISTS

Name	Andrew Sykes

DATE OF PANEL DECISION 2026-02-27

Publish the Decision