Decision for dispute CAC-UDRP-108660

Case number	**CAC-UDRP-108660**
Time of filing	**2026-05-20 10:15:32**
Domain names	**husqvarnatuin.com**

Case administrator

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

Complainant

Organization	**Husqvarna AB**

Complainant representative

Organization	**Sipara Sweden AB**

Respondent

Name	**xianzao xu**

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 owns several "HUSQVARNA" trademarks, registered worldwide, such as:

Territory	Trade Mark No.	Trade Mark	Priority Date
EU	000137554	HUSQVARNA (word)	1 April 1996
EU	016908345	HUSQVARNA (word)	22 June 2017
EU	006575682	H Husqvarna (logo)	11 January 2008
SE	198973	H husqvarna (logo)	10 January 1985
UK	UK00916908345	HUSQVARNA (word)	22 June 2017

US	79298163 (Reg. No. 6749060)	HUSQVARNA (word)	11 July 2019
US	76447853 (Reg No. 2878397)	H Husqvarna (logo)	9 September 2002
US	72455224 (Reg No. 1067453)	HUSQVARNA (word)	23 April 1973
IR (e.g. AL, AM, AU, BH, BY, BW, GE, CN, IS, IR, JP, KE, KG, LI, MC, MN, ME, MA, MZ, NA, MK, NO, KR, MD, RU, SM, RS, SG, CH, TR, US, VN, ZM)	984904	Husqvarna (word)	1 July 2008
CA	424103-00	HUSQVARNA (word)	27 April 1978
CN	872565	HUSQVARNA (word)	4 November 1994
CN	28457089	H Husqvarna (logo)	2 January 2018

(hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is Husqvarna AB, the parent company of the Husqvarna Group, which was founded in 1689. The Husqvarna Group is a world-leading provider of innovative products and solutions for forest, park and garden care. It is present in more than 100 countries and sells its products to thousands of dealers and leading retailers worldwide. The Husqvarna Group has 12,000 employees and achieved net sales of more than SEK 46 billion and an operating income (EBIT) of SEK 2,89 billion in 2025.

The Complainant also owns many domain names including its Trademark, such as the domain name <husqvarna.com> or <husqvarnagroup.com>.

The disputed domain name <husqvarnatuin.com> was registered on May 22, 2024 and is actively used in connection with a website impersonating the Complainant and offering its products.

PARTIES CONTENTIONS

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name, as the Trademark is well-known. Further, the Respondent's use of the disputed domain name is evidence of bad faith, as it has been used to impersonate the Complainant, to reproduce the Complainant's trademarks and copyrighted product images, and offer for sale goods identical to those offered by the Complainant without any disclaimer of non-affiliation. Furthermore, the website under the disputed domain name provides for an order form where personal information is entered into, or the possibility of subscribing by providing the consumer's email address in order to complete an order. Thus, the Complainant contends that the Respondent's use of the disputed domain name leads to intentional attraction of users by creating a likelihood of confusion with the Complainant's trademark as to the source of the website associated with the disputed domain name, and it places the consumers at significant risk of phishing and/or cybercrime.

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

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

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark, as it incorporates the Trademark in its entirety. The word “tuin”, which means “garden” in Dutch, is descriptive in relation to the goods protected by the Trademarks and therefore not in a position to alter the finding of confusing similarity.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name has been used to impersonate the Complainant and offer for sale products that are either the same or similar to those of the Complainant. The use of the disputed domain name in such a manner clearly demonstrates that the Respondent has no rights or legitimate interests in the disputed domain name.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark, as the Trademark is well-established and well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith under para. 4(b)(iv) of the Policy. The Respondent has used the disputed domain to intentionally attract users to its website by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of the website and by capitalising on Complainant's reputation. Furthermore, by attempting to collect personal information of deceived customers who would place an order, the Respondent is likely to have also engaged in fraudulent schemes of phishing.

Consequently, by using the disputed domain name in such a manner, the Respondent has fulfilled the elements and requirements for a finding under paragraph 4(a)(iii) of the Policy. The Panel finds that the Complainant has also established the third element of the Policy successfully.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **husqvarnatuin.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2026-06-30

Publish the Decision