Decision for dispute CAC-UDRP-108934

Case number	CAC-UDRP-108934
Time of filing	2026-08-20 08:51:21
Domain names	arlafoodsnj.com, arlafoodsus.com

Case administrator

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

Complainant

Organization	Arla Foods Amba

Complainant representative

Organization	Abion GmbH

Respondents

Name	Eileen Ottaviani
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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the holder of registered ARLA and ARLA FOODS trademarks, including:

- ARLA, United States trademark No. 3325019, registered on 30 October 2007 in classes 1, 5, 29 and 30;
- ARLA International trademark No. 731917A, registered on 20 March 2000 in classes 1, 5, 29, 30, 31 and 32; and
- ARLA FOODS International trademark No. 1829124, registered on 2 October 2024 in classes 1, 5, 9, 16, 29, 30, 32, 35, 39, 41, 42, 43, 44 and 45.

FACTUAL BACKGROUND

The Complainant, Arla Foods amba, is a Danish dairy cooperative established in 2000. The Complainant employs around 21,895 full time employees and reached a global revenue of EUR 13,8 billion for the year 2024. It markets dairy products

under, among others, the ARLA brand and conducts business in the United States through local entities, including operations in New Jersey.

The Complainant is the owner of registered ARLA and ARLA FOODS trademarks in various jurisdictions.

The disputed domain names <arlafoodsnj.com> and <arlafoodsus.com> were registered on 21 and 27 March 2026 respectively. The disputed domain names were registered through the same Registrar. The registrant information disclosed for the disputed domain names identifies different named registrants in the United States.

On 24 July 2026, the Complainant sent a cease-and-desist letter via the registrant contact form and the Registrar's abuse e-mail address and subsequently sent reminders. Apparently, no response was received.

The disputed domain names do not appear to resolve to active websites.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names 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 names are 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 names (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 names have been registered and are 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.

Consolidation of Respondents

The Complaint has been filed against two nominally different Respondents. Paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder. UDRP panels have nevertheless permitted consolidation of multiple respondents where the disputed domain names or the websites to which they resolve are subject to common control and consolidation would be fair and equitable to all parties.

The Panel considers that the circumstances of this case support a finding that the disputed domain names are subject to common control. In particular, both disputed domain names:

- share the same naming pattern, incorporating the Complainant’s ARLA and ARLA FOODS trademarks followed by a 2-letter geographical abbreviation referring to the United States;

- were registered within a short period in March 2026;

- were registered through the same Registrar;

- do not resolve to active website and appear to be passively held.

No one has come forward to contest the Complainant's consolidation request or the evidence relied upon in support of it.

In these circumstances, the Panel finds on the balance of probabilities that the disputed domain names are subject to common control and that consolidation would be procedurally efficient, fair and equitable to the Parties. The Panel therefore grants the Complainant's request for consolidation and will refer to the Respondents collectively as the "Respondent" below.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in Paragraph 4(a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy and on the balance of probabilities that:

1. The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

2. The Respondent has no rights or legitimate interests in respect of the disputed domain names; and

3. The disputed domain names have been registered and are being used in bad faith.

The Panel has therefore dealt with each of these requirements in turn.

1. Identity or confusing similarity

The Complainant must first establish that there is a trademark or service mark in which it has rights. Since the Complainant is the holder of registered ARLA and ARLA FOODS trademarks, it is established that there are trademarks in which the Complainant has rights.

The disputed domain names incorporate the Complainant's ARLA and ARLA FOODS trademarks in their entirety, merely adding the terms "nj" or "us" respectively. In each case, the Complainant's trademarks remain clearly recognizable within the disputed domain name (see section 1.8 WIPO Overview 3.1; JConcepts, Inc v. Jun Luo, WIPO Case No. D2023-0547).

It is well established that the Top Level Domain ("TLD") ".com" may be disregarded when considering whether a disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights (see section 1.11 WIPO Overview 3.1).

Therefore, the Panel finds that the disputed domain names are confusingly similar to the Complainant's ARLA and ARLA FOODS trademarks. Accordingly, the Complainant has made out the first of the three elements that it must establish.

2. No rights or legitimate interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or

legitimate interests in respect of the disputed domain names. It is established case law that it is sufficient for the Complainant to make a prima facie showing that the Respondent has no right or legitimate interest in the disputed domain names in order to shift the burden of production to the Respondent (see section 2.1 WIPO Overview 3.1).

The Panel notes that the Respondent has not been commonly known by the disputed domain names and there is no evidence that the Respondent has acquired corresponding trademark or service mark rights. The Respondent's use and registration of the disputed domain names was not authorized by the Complainant. There are no indications that any connection between the Complainant and the Respondent existed.

A respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry. Generally speaking, UDRP panels have found that where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see section 2.5.1 WIPO Overview 3.1).

Both disputed domain names incorporate the Complainant's ARLA and ARLA FOODS trademarks in their entirety. The additional terms "nj" and "us" are commonly understood as abbreviations for New Jersey and the United States. In view of the Complainant's business activities in the United States, including in New Jersey, the Panel finds that the combination of these terms with the Complainant's trademarks carries a risk of implied affiliation with the Complainant and cannot constitute fair use.

The Panel further observes that the disputed domain names do not resolve to active websites. There is no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use.
The Respondent had the opportunity to demonstrate rights or legitimate interests but did not do so. In the absence of a Response, the prima facie case established by the Complainant has not been rebutted.

Therefore, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainant succeeds on the second element of the Policy.

3. Bad faith

The Complainant must prove on the balance of probabilities that the disputed domain names were registered in bad faith and that they are being used in bad faith.

According to the Panel, awareness by a respondent of the complainant and/or the complainant's trademark rights at the time of registration can evidence bad faith.

In the present case, the Panel finds that the Respondent more likely than not had knowledge of the Complainant and its trademark rights when registering the disputed domain names. Both disputed domain names reproduce the Complainant's distinctive ARLA and ARLA FOODS trademarks in their entirety and combine it with common geographical abbreviations related to locations where the Complainant conducts business. The Complainant's ARLA and ARLA FOODS trademark rights also predate the registration of the disputed domain names, sometimes by several decades. Finally, the reputation of the Complainant's ARLA trademark has been confirmed by previous UDRP panels (see e.g. Aria Foods Amba v Frederik Enghall, WIPO Case No. D2016-1205 and Aria Foods amba v. Ye Li, WIPO Case No. DME2015-0010).

The fact that the disputed domain names do not resolve to active websites does not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3, WIPO Overview 3.1). In the circumstances of this case, including the composition of the disputed domain names and the absence of any apparent good-faith use, the Panel considers it implausible that the disputed domain names could be put to any good-faith use unrelated to the Complainant.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith.

Therefore, the Panel finds that, on the balance of probabilities, it is sufficiently shown that the disputed domain names were registered and are 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. **arlafoodsnj.com**: Transferred
2. **arlafoodsus.com**: Transferred

PANELLISTS

Name	**Flip Petillion**

DATE OF PANEL DECISION 2026-09-25

Publish the Decision