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- 2 registrars have maintained records for this domain since 2002-10-07 with 2 drops
- This domain has changed Domain Servers 5 times over 3 years
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- More 84 ownership records archived since 1999-05-28.
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 Brightersville, Pennsylvania 17368
 United States

Domain Name: MYDHL.COM
 Expires on: 04-Oct-10
 Last Updated on: 02-Jan-10

Administrative Contact:
 White, Eric gwhite@meconnect.com
 106 N 2ND ST
 Brightersville, Pennsylvania 17368
 US
 +1-717-4173344 Fax -- +0-717-4173344

Technical Contact:
 White, Eric gwhite@meconnect.com
 106 N 2ND ST
 Brightersville, Pennsylvania 17368
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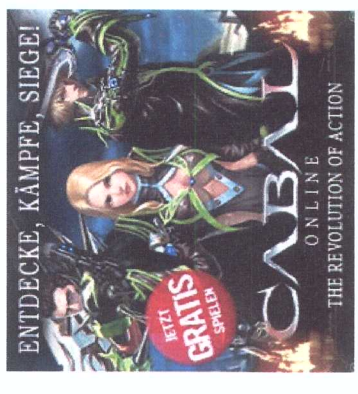
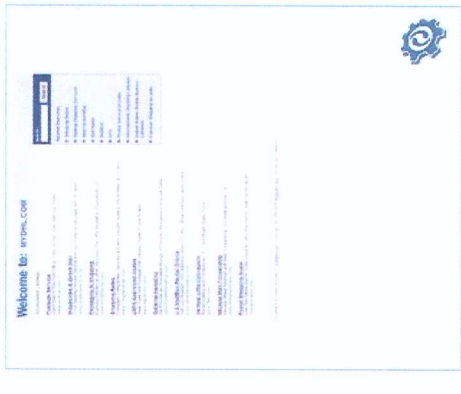
Registrant:
 Eric White
 108 N 2ND ST
 Wrightsville, Pennsylvania 17368
 United States
 Domain Name: MYDHL.COM
 Created on: 07-Oct-02
 Expires on: 06-Oct-10
 Last Updated on: 02-Jan-10

Administrative Contact:
 White, Eric ejwhite@inetconnect.com
 108 N 2ND ST
 Wrightsville, Pennsylvania 17368
 United States
 +0.7174173344 Fax -- +0.7174173344

Technical Contact:
 White, Eric ejwhite@inetconnect.com
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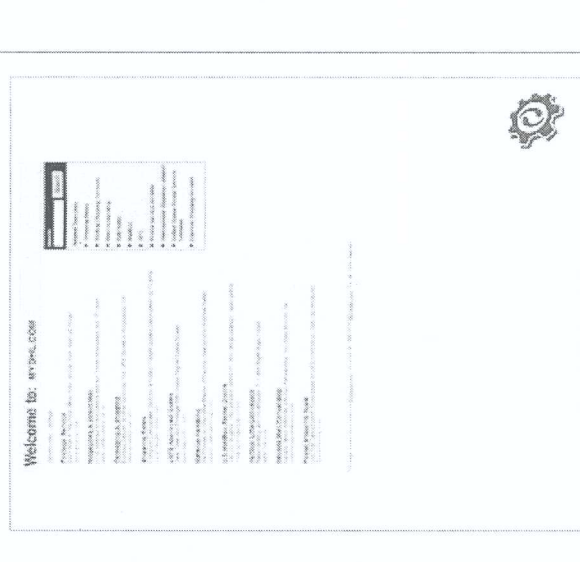
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Registrant:
Eric White
108 N 2ND ST
Wrightsville, Pennsylvania 17368
United States
Domain Name: MYDHL.COM
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White, Eric ejwhite@inetconnect.com

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The screenshot shows the MYDHL.COM website in Internet Explorer. The browser's address bar displays "http://www.mydhl.com/". The page content includes a search bar on the right with a "Search" button. Below the search bar is a "Related Searches" section with a list of links: DHL Express, Overnight Courier, Spedition, Cheats DHL, Transport, Corriere Espresso, Deutsche Post Frankieren, DHL Eilkurier, DHL Eilsendung, and DHL Eilversand. The main content area is titled "MYDHL.COM" and contains several sponsored listings:

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WIPO Arbitration and Mediation Center

ADMINISTRATIVE PANEL DECISION

Aktiebolaget Electrolux v. 2220 Internet Coordinator

Case No. D2005-1184

1. The Parties

The Complainant is Aktiebolaget Electrolux, Stockholm, Sweden, represented by Melbourne IT Corporate Brand Services AB, Sweden.

The Respondent is 2220 Internet Coordinator, Hong Kong, SAR of China.

2. The Domain Name and Registrar

The disputed domain name <electroluxkelvinator.com> is registered with eNom.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 14, 2005, identifying Mr. Klostermann as the Respondent. On November 15, 2005, the Center transmitted by email to eNom a request for registrar verification in connection with the domain name at issue. On November 15, 2005, eNom transmitted by email to the Center its verification response identifying 2220 Internet Coordinator as the registrant listed for the domain name at issue and providing the contact details for the administrative, billing, and technical contact. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed an amendment to the Complaint on November 25, 2005. The Center verified that the Complaint, together with the amendment to the Complaint, satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 30, 2005. In accordance with the Rules, paragraph 5(a), the due date for the Response was December 20, 2005. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 22, 2005.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on January 6, 2006. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is Aktiebolaget Electrolux (referred to as AB Electrolux), a Swedish joint stock company founded more than 100 years ago. The Complainant is one of the world's largest producers of appliances and equipment for kitchen, cleaning and outdoor use. The Complainant is directly or through its subsidiaries the owner of the ELECTROLUX and KELVINATOR trademarks registered worldwide.

The trademark ELECTROLUX is a well-known brand for kitchen, cleaning and outdoor appliances and has extensive and long-term use in relation to products and services of the Complainant and the trademark ELECTROLUX. The products and services designated by this trademark have achieved a good reputation and international recognition.

KELVINATOR enjoys a similar reputation in the refrigerator industry.

The Complainant has also registered about 300 domain names including the trademark ELECTROLUX in various gTLDs and ccTLDs.

The name KELVINATOR also has been used by the Complainant, in domain names under five different TLDs.

5. Parties' Contentions

A. Complainant

The Complainant first submitted the Complaint identifying Mr. Klostermann as the Respondent.

All the contentions in the Complaint refer to Mr. Klostermann.

Following the Center's notification the Complainant amended the initial Complaint, and identified 2220 Internet Coordinator as the Respondent. No further amendment had been made to the Complaint.

The Panel assumes that the Complainant's contentions had been maintained in relation to the new Respondent indicated in the Amendment to the Complaint.

Therefore, the Complainant contends:

- the disputed domain name comprises the words "electrolux" and "kelvinator", which is a combination of the Complainant's registered trademarks ELECTROLUX and KELVINATOR and, therefore, the domain name is identical or confusingly similar to the Complainant's trademarks ELECTROLUX and KELVINATOR;
- the Complainant has neither licensed nor otherwise authorized the Respondent to use the trademarks ELECTROLUX or KELVINATOR in the domain name or in any other way;
- the Respondent is not using the domain name in connection with a *bona fide* offering of goods or services;
- the Respondent is currently using the disputed domain name in order to generate traffic to its website through sponsored, commercial hyperlinks, among which are some related to appliances and equipment for kitchen, cleaning and outdoor products;
- the Respondent is making a commercial use of the disputed domain name and intentionally chose the domain name based on two registered trademarks in order to generate more traffic to its website containing sponsored links and to generate income for itself;
- the Respondent registered the disputed domain name and has been using it in bad faith because the Respondent knew the value and the goodwill of the trademarks ELECTROLUX and KELVINATOR at the time of the registration;
- A further element of bad faith from the Respondent is its conduct in connection to the cease and desist letters sent by the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

1. The Complainant's trademark or service mark rights

The Complainant's rights in the two trademarks ELECTROLUX and KELVINATOR are uncontested.

As illustrated by the evidence provided by the Complainant, ELECTROLUX is a well-known trademark registered worldwide.

KELVINATOR is also a trademark registered worldwide by the Complainant through its subsidiaries and well-known in the refrigerator industry.

2. The similarity between the trademarks ELECTROLUX and KELVINATOR and the disputed domain name <electroluxkelvinator.com>

In the disputed domain name, the Respondent incorporated in their entirety two trademarks of the Complainant.

It is undisputed that the Complainant enjoys a strong reputation for the services it offers under the trademarks ELECTROLUX and KELVINATOR. Combining the two trademarks in the disputed domain name does not serve to distinguish the domain name from the Complainant's trademarks.

Therefore, the Panel concludes that the disputed domain name is confusingly similar with the trademarks in which the Complainant has rights. (*Société des Produits Nestlé SA v. Stuart Cook*, WIPO Case No. D2002-0118, *Vivendi S.A., The Seagram Company Ltd., Joseph E. Seagram & Sons, Inc., Universal Studios, Inc., and Universal City Studios, Inc. v. Yu Fu Zhao*, WIPO Case No. D2000-0717).

B. Rights or Legitimate Interests

The Complainant contends that the Respondent has a website under the domain name <eletroluxkelvinator.com> which provides sponsored, commercial hyperlinks. Many of these links are related to websites associated with appliances and equipment for kitchen, cleaning and outdoor products and some websites are provided and operated by a revenue program called "Overture." The Complainant attached to the Complaint evidence to prove its assertions.

During the administrative proceedings, the Panel accessed the website operating under the disputed domain name and only found links related to websites associated with appliances and equipment for kitchen, cleaning and outdoor products.

Nevertheless, taking into consideration the evidence provided by the Complainant and the lack of any reply from the Respondent following the Center's proper notification of the Complaint, the Panel accepts that the Respondent had used to the website under the disputed domain name to link to websites associated with appliances and equipment for kitchen, cleaning and outdoor products.

As for the rights or legitimate interests of the Respondent in the disputed domain name, the Complainant contends that the Respondent is not a licensee of the Complainant and is not otherwise authorized to use the Complainant's marks.

Moreover, the Complainant contends that the Respondent is using <electroluxkelvinator.com> in order to misleadingly divert consumers and is tarnishing the trademarks at issue for its own commercial gain. From this assertion taken together with the failure of the Respondent to provide a Response, the Panel concludes that there is no connection between the Complainant and the Respondent as to the use of the disputed domain name.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Panel agrees with the Complainant that the Respondent registered the domain name due to the considerable

value and goodwill of the trademarks ELECTROLUX and KELVINATOR and in order to take advantage of the two trademarks by generating traffic to the Respondent's website containing sponsored links. These circumstances strongly suggest that the domain name was registered and has been used in bad faith.

Furthermore, the fact that the Respondent neglected to respond to the cease and desist letters sent by the Complainant is also a factor which indicates bad faith.

Therefore, the Panel concludes that the disputed domain name was registered and has been used in bad faith.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <electroluxkelvinator.com> be transferred to the Complainant.

Beatrice Onica. Jarka
Sole Panelist

Date: January 20, 2006

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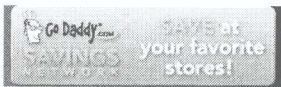
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Technical Contact: White, Eric ejwhite@inetconnect.com 108 N 2ND ST Wrightsville, Pennsylvania 17368 United States +0.7174173344 Fax -- +0.7174173344

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Gabriele Engels

Von: Kay Uwe Jonas
Gesendet: Mittwoch, 6. Januar 2010 18:05
An: Tanja Traude; Gabriele Engels
Betreff: WG: Complaint regarding the domain name "mydhl.com" - DHL Operations B.V. / DHL International GmbH vs. Eric White (Annexes 7-13)

Von: ejwhite@inetconnect.com [mailto:ejwhite@inetconnect.com]
Gesendet: Mittwoch, 6. Januar 2010 17:59
An: Kay Uwe Jonas
Betreff: RE: Complaint regarding the domain name "mydhl.com" - DHL Operations B.V. / DHL International GmbH vs. Eric White (Annexes 7-13)

I'm not sure what your problem is, but "MyDHL.com" doesn't have anything to do with the failed US delivery service "DHL."

It is, and has always been, a political protest site against what I feel is the ruination of American politics.

I have owned and operated the website for no profit for the at least the past 5 years with essentially the same NON-COMMERCIAL, and non "DHL Shipping" message.

I realize in your country of Germany, Political discourse is not something encouraged, but as an elected government official, here, in the united states, we cherish our free speech. Are you acting as an agent of the democratic party? Or, perhaps, the Obama administration? I am the elected Republican Committeeman for the Wrightsville District, 2nd Ward, Pennsylvania.

I will be forwarding a copy of your attempt to censor my free speech to republican party headquarters.

----- Original Message -----

Subject: Complaint regarding the domain name "mydhl.com" - DHL Operations B.V. / DHL International GmbH vs. Eric White (Annexes 7-13)
From: "Kay Uwe Jonas" <jonas@jonas-lawyers.com>
Date: Wed, January 06, 2010 10:37 am
To: <domain.disputes@wipo.int>, <ejwhite@inetconnect.com>, <tim@godaddy.com>

Dear Sir or Madam,
Please find attached our complaint together with annexes 7-13.
<<Complaint mydhl.com.pdf>>
<<Annexes 7-13.pdf>>

Yours sincerely

Kay Uwe Jonas
Rechtsanwalt / Geschäftsführer
Fachanwalt für gewerblichen Rechtsschutz
(Attorney-at-Law / Managing Director)
(Certified Specialist in Intellectual Property Law)

JONAS Rechtsanwalts-gesellschaft mbH
Hohenstaufenring 62