

## **ADMINISTRATIVE PANEL DECISION**

**Aramex International LLC v. Privacy service provided by Withheld for Privacy ehf / John Smith**  
**Case No. D2022-1218**

### **1. The Parties**

The Complainant is Aramex International LLC, United Arab Emirates, represented by SafeNames Ltd., United Kingdom.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / John Smith, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <aramex.website> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 6, 2022. On April 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on April 8, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 26, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), 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 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 18, 2022.

The Center appointed Marilena Comanescu as the sole panelist in this matter on May 20, 2022. 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 a mail delivery and logistics services company founded in 1982 in the United Arab Emirates. Since 1997 the Complainant is listed on the NASDAQ stock exchange, since 2005 is listed on the Dubai Financial Market and it became an important global provider of logistical and transportation solutions, including express courier-delivery, freight forwarding, supply chain management, and e-commerce.

The Complainant has received numerous accolades and recognitions in its industry.

The Complainant owns trademark registrations for its ARAMEX mark in numerous jurisdictions worldwide, including the following:

- the Canadian Registration No. TMA767457, for the word mark ARAMEX, filed on December 24, 2008, and registered on May 20, 2010, for services in IC 35, 39; and
- the European Union Trade Mark Registration No. 007165533, for the word mark ARAMEX, filed on August 18, 2008, and registered on October 7, 2009, for goods and services in IC 16, 35, and 39.
- the Jordanian Trade Mark Registration No. 25308, for the word ARAMEX, registered on February 25, 1988 for goods and services in IC 16.

The Complainant's official website is available at "www.aramex.com" and it was registered on November 24, 1995.

The disputed domain name <aramex.website> was registered on October 10, 2021, and, at the time of filing the Complaint, it was used in connection with a website displaying nonsensical content and redirecting Internet users to adult-themed websites, also encouraging the visitors to provide an email or username information.

Before commencing this proceeding, on November 29, 2021, the Complainant send a cease and desist letter to the Respondent. No response was received.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical to its distinctive trademark ARAMEX, the Respondent has no rights or legitimate interests in the disputed domain name, and the Respondent registered and is using the disputed domain name in bad faith. The Complainant requests the transfer of the disputed domain name to it.

##### **B. Respondent**

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

## 6. Discussion and Findings

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

### A. Identical or Confusingly Similar

The disputed domain name <aramex.website> reproduces the Complainant's trademark exactly.

Further, it is well established in decisions under the UDRP that the generic Top-Level Domain ("gTLD") (e.g., ".com", ".website", ".org") is typically disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Given the above, the Panel finds that the disputed domain name is identical to the Complainant's trademark, pursuant to the Policy, paragraph 4(a)(i).

### B. Rights or Legitimate Interests

The Complainant asserts that it has given no license or other right to use its trademark to the Respondent, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods and services.

Under the Policy, "a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain names. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP". See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent has not replied to the Complainant's contentions to advance a claim to any rights or legitimate interests in the disputed domain name.

Further, there is no evidence before the Panel to suggest that the Respondent has made a *bona fide* use of the disputed domain name, or has been known by this disputed domain name, or is making any legitimate noncommercial or fair use of the disputed domain name.

In fact, at the time of filing the Complaint the disputed domain name was used to redirect Internet visitors to a website displaying adult content, with no apparent purpose other than for the Respondent's own commercial gain. Such use is neither legitimate nor *bona fide*, and instead amounts to tarnishment of the Complainant's mark.

In addition, and without prejudice to the above, UDRP panels have found that domain names identical or

highly similar to a complainant's trademark carry a high risk of implied affiliation. See section 2.5.1 of the [WIPO Overview 3.0](#).

For all these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

The Complainant holds trademark registered rights in ARAMEX since at least 1988 and is providing services under the website "www.aramex.com" since 1996. The Panel is satisfied with the evidence submitted by the Complainant and concludes that the ARAMEX mark has acquired significant recognition in the field of delivery and logistics services.

The disputed domain name was created in 2021 and reproduces the Complainant's trademark exactly.

From the above, the Panel finds that the disputed domain name was registered in bad faith, with knowledge of the Complainant, its business, and particularly targeting the ARAMEX trademark.

Further, the Respondent is using without permission the Complainant's well-known trademark in order to get traffic on its web portal and to obtain commercial gain from the false impression created for Internet users with regard to a potential connection with the Complainant. Particularly, the Respondent is using the disputed domain name to redirect Internet visitors to explicit adult websites, such activity potentially generating revenues for the Respondent and tarnishing the Complainant's trademark.

The Respondent registered the disputed domain name under a privacy service, refused to respond to the Complainant's cease and desist letter and to participate in the present proceedings in order to provide arguments in its favor. Having in view the other circumstances of this case, such facts constitute further evidence of bad faith.

Furthermore, it was consistently found by previous UDRP panels that the mere registration of a domain name that is identical or confusingly similar to a third party's well-known trademark can by itself create a presumption of bad faith for the purpose of Policy. See section 3.1.4 of the [WIPO Overview 3.0](#).

Additionally, the Respondent John Smith, has been the subject of adverse decisions in numerous UDRP proceedings<sup>1</sup> and therefore it should be recognized as a serial cybersquatter. See for example *Kik Interactive Inc. v. Domain Admin, Whois Privacy Corp. / John Smith*, WIPO Case No. [D2017-0688](#) for the domain name <kikdating.me> used in connection with adult content; *Applied Materials, Inc. v. Proxy Protection LLC / John Smith*, WIPO Case No. [D2022-0026](#) for the domain name <appliedventuresllc.com> and no active website; *Solvay Société Anonyme v. John Smith*, WIPO Case No. [D2020-0057](#) for the domain name <solvay.website> and no active website; *We Buy Any Car Limited v. John Smith*, WIPO Case No. [D2011-0239](#) for the domain name <webuyanycarbristol.com> used for competing services; *Dr. Ing. h.c. F. Porsche Aktiengesellschaft v. John Smith*, WIPO Case No. [D2014-1859](#) for the domain name <porsches.com>; *Verizon Trademark Services LLC v. John Smith*, WIPO Case No. [D2017-0110](#) for the domain names < fiosplus.com> and <verazon.com> used in connection with parking page displaying sponsored links to goods and services in competition; *Audi AG v. John Smith*, WIPO Case No. [D2016-0184](#) for the domain name <audi-vn.com> used to imitate the look and feel of the complainant's official site; or *ACO Severin Ahlmann GmbH & Co. KG v. Whois Privacy Protection Foundation / John Smith*, WIPO Case No. [D2021-4123](#) for the domain name <aco.army> used for various services in relation to cryptocurrency.

These activities fall within the circumstances listed by paragraph 4(b)(ii) of the Policy and demonstrates that the Respondent has engaged in a pattern of bad faith behavior.

---

<sup>1</sup> See section 4.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") regarding Panel's powers to conduct limited searches.

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

## **7. Decision**

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

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: June 3, 2022