

## **ADMINISTRATIVE PANEL DECISION**

Aramex International LLC v. Daniel Hunter  
Case No. D2022-1386

### **1. The Parties**

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

The Respondent is Daniel Hunter, Australia.

### **2. The Domain Name and Registrar(s)**

The disputed domain name <aramex.ltd> is registered with CloudFlare, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2022. On April 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 19 and 21, 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 21, 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 22, 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 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 17, 2022.

The Center appointed Oleksiy Stolyarenko 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 an international express, mail delivery, and logistics services company based in Dubai, United Arab Emirates that was established back in 1982. The Complainant was the first Arab-based company to be listed and trade its shares on the NASDAQ stock exchange in 1997. Through organic growth and a number of acquisitions all over the world now the Complainant has over 600 offices in 65 countries and more than 17,000 employees worldwide. In 2020 the Complainant's revenue increased by 9% to record AED 5,510 million.

The Complainant has registered a number of ARAMEX trademarks worldwide, including in Australia, for a broad range of goods and services in classes 9, 16, 35, and 39 related to the activities of the Complainant. Some of the ARAMEX trademark registrations are indicated below:

- United Arab Emirates trademark registration for ARAMEX No. 102241 (device) registered on April 22, 2010, for the services in class 39;
- Jordan trademark registration for ARAMEX No. 25308 registered on February 25, 1988, for the goods in class 16;
- Australia trademark registration for ARAMEX No. 1455349 registered on October 24, 2011, for the services in classes 35, and 39;
- European Union ("EU") Trademark for ARAMEX No. 007165533 dated October 7, 2009, for the goods and services in classes 9, 35, and 39.

The Complainant actively promotes its activities online on a website corresponding to <aramex.com> domain name. The domain name <aramex.com> was registered by the Complainant back on November 24, 1995, and has remained the Complainant's official website since then.

The Respondent appears to be an individual located in Australia. According to the WhoIs, the disputed domain name was registered in the name of the Respondent on November 19, 2021. The disputed domain name does not resolve to an active website, however, when accessed Google Safe Browsing service displays a phishing warning.

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

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

The Complainant contends that it has strong rights in ARAMEX trademark by virtue of its longstanding use and registration of the marks in a number of jurisdictions around the world. In addition, the Complainant indicates that its activities and initiatives receive attention on the social media worldwide. Previous UDRP panels found that the Complainant established rights in ARAMEX trademark and that ARAMEX trademark is well-known in certain countries.

The Complainant argues that the disputed domain name is identical or confusingly similar to the Complainant's ARAMEX mark as it incorporates the Complainant's registered ARAMEX trademark entirely.

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

The Complainant has not authorized the Respondent to use the ARAMEX mark in the disputed domain name.

The Respondent is not commonly known by the disputed domain name.

The Respondent was fully aware of the Complainant's reputation and the Complainant's trademark rights on the ARAMEX mark when the Respondent registered the disputed domain name.

The Complainant put the Respondent on notice additionally by submitting the trademark infringement notice through the Registrar's online form on November 29, 2021, however, the Respondent did not respond.

The disputed domain name was registered in bad faith by the Respondent for the purpose of creating confusion with the Complainant's marks to divert or mislead third parties for the Respondent's illegitimate profit.

Therefore, the disputed domain name has been registered by the Respondent in an unfair manner and in bad faith. It is also inconceivable that the Respondent had any good faith intentions at the point of registering the disputed domain name.

The Complainant seeks a decision that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has proved its rights in the ARAMEX mark through national registrations dating back to 1998 in numerous countries worldwide including Australia, and also through EU trademark registration.

Therefore, the Panel considers that the Complainant has satisfied the threshold requirement of having relevant trademark rights.

The disputed domain name is comprised of the word "aramex" and combined with the generic Top-Level Domain ("gTLD") ".ltd".

Thus, the Panel finds that the disputed domain name incorporates the Complainant's ARAMEX trademark entirely.

Furthermore, the Panel considers that the disputed domain name is identical to the Complainant's the ARAMEX trademark.

The gTLD is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Therefore, the Panel disregards the TLD for the purposes of this comparison.

The Panel finds that according to a side-by-side comparison, the disputed domain name reproduces the Complainant's ARAMEX trademark and, thus, that the Complainant's trademark is recognizable within the disputed domain name.

For all the foregoing reasons, the Panel finds that the first element of paragraph 4(a) of the Policy has therefore been satisfied by the Complainant.

## **B. Rights or Legitimate Interests**

Paragraph 4(a)(ii) of the Policy requires the complainant to establish that the respondent has no rights or legitimate interests in the domain name. Once the complainant establishes a *prima facie* case against the respondent under this ground, the burden of production shifts to the respondent to rebut it. See section 2.1 of the [WIPO Overview 3.0](#). In this case, the Respondent did not rebut the Complainant's *prima facie* case regarding the lack of rights or legitimate interests.

However, the overall burden of proof remains with the Complainant. Paragraph 4(c) of the Policy provides circumstances that demonstrate the respondent's rights or legitimate interests to the disputed domain name, and that the complainant frequently addresses to show that the activities of the respondent do not fall under the *bona fide* offering of goods or services (paragraph 4(c)(i) of the Policy), that the respondent is not commonly known by the disputed domain name (paragraph 4(c)(ii) of the Policy) and that the respondent is not making a legitimate noncommercial or fair use of the disputed domain name (paragraph 4(c)(iii) of the Policy).

The Panel finds that because the disputed domain name is identical to the Complainant's ARAMEX trademark, any use of such domain name by the Respondent carries a high risk of implied affiliation with the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

According to the Complainant, the Respondent is not an authorized or licensed to use the Complainant's ARAMEX trademark in the disputed domain name, as well as not in any way affiliated with the Complainant.

The Panel also notes that the Respondent failed to come forward with any relevant evidence confirming use or demonstrable preparations to use of the disputed domain name in connection with a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

Taking into account the reputation and long period of use of the Complainant's ARAMEX trademark, and in the corresponding Complainant's domain name and website, and in the absence of evidence to the contrary, the Panel finds that the Respondent is not involved in a *bona fide* offering of goods or services (under paragraph 4(c)(i) of the Policy) and the Respondent's activities do not fall under a legitimate noncommercial use (under paragraph 4(c)(iii) of the Policy).

According to the Registrar's information, "Daniel Hunter" is the registrant of the disputed domain name. The Panel did not find any evidence that the Respondent is commonly known by the disputed domain name. The Panel concludes that the Respondent is not commonly known by the disputed domain name under paragraph 4(c)(ii) of the Policy.

Thus, the Panel finds that the Complainant has satisfied the second element of the Policy, namely paragraph 4(a)(ii).

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

As the Panel established above, the Complainant's ARAMEX trademark was used in commerce well before the registration of the disputed domain name on November 19, 2021. The Complainant's ARAMEX trademark predates registration of the disputed domain name by more than 33 years.

Previous UDRP panels have already recognized the wide reputation of the ARAMEX trademark: "Furthermore, the trademark ARAMEX has been in use for 37 years and is well-known in the Arab world...". See *Aramex International LLC v. Asmaayl Alsimaayl, Pfoкса*, WIPO Case No. [D2019-2124](#).

Another UDRP panel also noted: “The Complainant has proved that it has acquired widespread consumer goodwill by virtue of its many years using the ARAMEX brand, for which it has received several awards and accolades.” See *Aramex International LLC v. asmaayl alsimaayl, pfoksa*, WIPO Case No. [D2019-1971](#).

The Panel agrees and considers that the well-known character of the ARAMEX trademark is established.

The Panel finds with a high degree of certainty that the Respondent knew of the Complainant's ARAMEX trademark when registering the disputed domain name. This conclusion is supported by the well-known character of the mark and the fact that the Complainant actively works in many countries in the world, including Australia.

Furthermore, the Respondent's use of the gTLD “.ltd” in the disputed domain name has a potential to mislead the Internet users that the disputed domain name is operated by the Complainant or the Complainant's authorized agent or representative of the Complainant, because the “.ltd” is a standard abbreviation for “limited”, a form of corporate structure available in many countries.

Furthermore, the Respondent failed to submit a response to disprove allegations of illegal activity or provide any evidence of a good-faith use or to show rights or legitimate interests in the disputed domain name.

The Panel concludes that the Respondent's intent for registering the disputed domain name, which reproduces the Complainant's trademark entirely has always been to capitalize on the goodwill of the Complainant's trademark.

With respect to the use of the disputed domain name, the Complainant submits that the disputed domain name currently hosts a webpage that warns Internet users of a “Deceptive site ahead”, specifically noting: “Attackers on aramex.ltd may trick you into doing something dangerous like installing software or revealing your personal information”. After that warning page the website at the Disputed Domain Name is passively held, displaying an “Error 404” page.

According to previous UDRP panel decisions, passive holding may indeed amount to bad faith use in certain circumstances. See section 3.3 of [WIPO Overview 3.0](#).

Furthermore, the Panel finds it implausible that the disputed domain name could be used by the Respondent in good faith considering that it is identical to the Complainant's trademark. The Panel finds that the fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith in these circumstances.

Therefore, based on the confirmed reputation, fame, long term and worldwide use of the Complainant's ARAMEX trademark, and in the absence of the response from the Respondent providing any explanation or evidence of actual or contemplated good-faith use, the Panel finds the Respondent registered and used the disputed domain name in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, paragraph 4(a)(iii) of the Policy.

## **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.ltd> be transferred to the Complainant.

*/Oleksiy Stolyarenko/*

**Oleksiy Stolyarenko**

Sole Panelist

Date: June 7, 2022