

ADMINISTRATIVE PANEL DECISION

beIN Media Group L.L.C v. ahmed, maknes
Case No. D2022-3431

1. The Parties

The Complainant is beIN Media Group L.L.C, Qatar, represented by Tmark Conseils, France.

The Respondent is ahmed, maknes, Morocco.

2. The Domain Name and Registrar

The disputed domain names <beinmatch.com>, <beinmatch.top>, and <beinmatch.tv> are registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 15, 2022 in relation to the disputed domain names and two other domain names (<beinmatch.me> and <beinmatch.best>). On September 15, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names and the other two domain names. On September 15 and September 16, 2022, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent and contact information in the Complaint. The Center sent a Notice of Change for Multiple Underlying Registrants to the Complainant on September 16, 2022, requesting the Complainant to submit an amendment to the Complaint and provide relevant evidence demonstrating that all domain names are under common control or file separate complaints.

The Complainant filed a request to withdraw the two domain names <beinmatch.me> and <beinmatch.best> from this proceeding and filed two separate complaints regarding the domain names on September 20, 2022. On the same day, the Complainant filed an amended complaint for the remaining domain names <beinmatch.com>, <beinmatch.top>, <beinmatch.tv>.

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 September 22, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 17, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on October 24, 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 media group based in Qatar offering subscriptions to TV channels, websites and mobile apps in numerous countries worldwide. It was originally created in 2003 as Al Jazeera Sport and changed its name in 2012 to be IN Sport.

The Complainant owns numerous trademarks registrations for its trademark BEIN, *inter alia*, the European Union Trademark BEIN (No. 010617058 registered on June 15, 2012) and the Morocco Trademark registration BEIN (No. 142622 registered on February 7, 2012).

The Complainant also holds several domain names, including the domain names <bein.com> and <beinsports.com>.

The disputed domain names were registered on the following dates: On June 9, 2016 for <beinmatch.com>; on February 8, 2022 for <beinmatch.top>, on November 5, 2019 for <beinmatch.tv>.

The disputed domain names resolve to inactive sites.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain names are confusingly similar to the BEIN trademark in which the Complainant has rights, because they incorporate this trademark in its entirety, and the addition of the word "match" is not sufficient to avoid confusing similarity but rather exacerbates it, because the word "match" is an unambiguous reference to the sports content provided by the Complainant. The generic Top-Level Domains ("gTLD") ".top" and ".com" and country code top-level domain ("ccTLD") ".tv" are not relevant to the determination of confusing similarity, as they are disregarded when considering whether the disputed domain names are confusingly similar to the earlier trademarks.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The mark BEIN is internationally well-known and is associated with the Complainant, since this trademark has been extensively used to identify the Complainant and its media services. The Respondent has not been authorized by the Complainant to use this trademark and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain names in connection with a *bona fide* offering of goods and services.

The disputed domain names were registered and are being used in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well known trademark BEIN at the time it registered the disputed domain name, and because the lack of use of a domain name that coincides with a well-known trademark owned by someone else constitutes use in bad faith. Moreover, the Respondent

previously redirected the <beinmatch.top> domain name to a football website reproducing the Complainant's logo, which constitutes use in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

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

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant owns trademark registrations for its BEIN trademark in numerous jurisdictions.

The Panel notes that the disputed domain names incorporate the BEIN trademark in its entirety. The addition of the word "match" does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

ThegTLDs ".top" and ".com" and ccTLD ".tv" are disregarded when considering whether the respective disputed domain name is confusingly similar to the earlier trademarks.

For these reasons, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's mark BEIN.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademark BEIN and that before notice of the dispute, there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain names in good faith. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain names.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

The Complainant has shown to the satisfaction of the Panel that its BEIN trademark is internationally well-known.

In the view of the Panel, it is inconceivable that the Respondent could have registered the disputed domain names without knowledge of the Complainant's well-known trademark, particularly considering that the word "match" is an unambiguous reference to the sports content provided by the Complainant. In the circumstances of this case, this is evidence of registration in bad faith.

The disputed domain names resolve to inactive sites. However, the Panel finds that the Respondent's passive holding of the disputed domain names qualifies as use in bad faith in this case (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). In this regard, the Panel notes the reputation of the Complainant's trademark, and the Respondent's failure to submit a response or provide any evidence of actual or contemplated good-faith use. In addition, the Respondent furnished incomplete contact information while registering the disputed domain names, evidenced by the inability of the courier to deliver the Center's written communication to the address disclosed by the Registrar for the Respondent. Furthermore, it is inconceivable that the Respondent could make any good faith use of the disputed domain names. The Complainant has further shown that the Respondent previously redirected the <beinmatch.top> domain name to a football website reproducing the Complainant's logo, which in the view of the Panel constitutes use in bad faith.

The Panel thus finds that the disputed domain names were registered and are being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

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 names, <beinmatch.com>, <beinmatch.top>, and <beinmatch.tv>, be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: October 30, 2022