

ADMINISTRATIVE PANEL DECISION

Global Knowledge Training LLC v. Mohamed Henedy
Case No. D2023-3925

1. The Parties

The Complainant is Global Knowledge Training LLC, United States of America (“United States”), represented by Kilpatrick Townsend & Stockton LLP, United States.

The Respondent is Mohamed Henedy, Saudi Arabia.

2. The Domain Name and Registrar

The disputed domain name <global-knowledge.net> is registered with Launchpad.com Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2023. On September 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 20, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the disputed domain name.

The Center verified that the 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, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 16, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on October 20, 2023. 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 operates in the field of IT and technology training worldwide. It was founded in 1995 and owns a number of trademark registrations for the trademark GLOBAL KNOWLEDGE and GLOBAL KNOWLEDGE with design. The design is a circle that seems to represent the globe (“Design”).

For example, the Complainant owns the following trademark registrations for GLOBAL KNOWLEDGE with design:

- United Arab Emirates trademark registration No. 109522 registered on November 21, 2010;
- United Kingdom trademark registration No. 2407688 registered on July 21, 2006;
- United States trademark registration No. 3072379 registered on March 28, 2006.

And, the following trademark registrations for GLOBAL KNOWLEDGE:

- United Arab Emirates trademark registration No. 109508 registered on November 21, 2010;
- Canada trademark registration No. TMA562713 registered on May 28, 2002.

The Complainant operates in the United Arab Emirates since 2010 under the trade name Global Knowledge FZ-LLC.

The Respondent registered the disputed domain name on July 24, 2022. The disputed domain name resolves to a website featuring the Complainant’s trademark for GLOBAL KNOWLEDGE with design and through which the Respondent allegedly offers training courses.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has registered the trademark GLOBAL KNOWLEDGE before the disputed domain name was registered. The disputed domain name reproduces the Complainant’s trademark in its entirety. The addition of a hyphen does not eliminate confusing similarity. The generic Top-Level Domain (“gTLD”) “.net” should typically be ignored when assessing confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no relationship with the Complainant. The Respondent is not commonly known by the disputed domain name. The Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name is used by the Respondent to pass itself off as the Complainant as part of a fraudulent scheme.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent must have been aware of the Complainant’s trademark as it is widely recognized and has been in use since 2001. Also, the Respondent’s website displays the Complainant’s trademark with design and offers services connected with the Complainant’s trademark. The disputed domain name was registered many years after the Complainant’s first use of its trademark. The Respondent is trying to pass itself off as the Complainant to commit fraud. The Respondent is trying to attract Internet users to its website and drive traffic to IT trainings for its benefit.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns a number of trademark registrations for the trademark GLOBAL KNOWLEDGE. The Panel is satisfied that the Complainant has established its ownership of the trademark GLOBAL KNOWLEDGE.

The disputed domain name incorporates the Complainant's trademark GLOBAL KNOWLEDGE in its entirety, solely adding a hyphen, which does not prevent a finding of confusing similarity. The gTLD ".net" can be ignored when assessing confusing similarity as it is a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts, amongst other things, that the Respondent has no relationship with the Complainant. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

According to the Policy, the use of the disputed domain name would be legitimate if it is used in connection with a *bona fide* offering of goods or services. The website to which the disputed domain name resolves allegedly offers training courses under the Complainant's trademark. While the disputed domain name is not identical to the Complainant's trademark, it only adds a hyphen and as such, carries a significant risk of implied affiliation with the Complainant, which renders any fair use implausible. [WIPO Overview 3.0](#), section 2.5.1. Further, the use of the Complainant's trademark with design on the website connected to the disputed domain name to offer identical services as those of the Complainant affirms Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and Complainants as to the origin or affiliation of the website at the disputed domain name.

Even if one were to apply to criteria set out in the *Oki Data* test, the Panel notes that the website connected to the disputed domain name does not feature any disclaimer as to its (lack of) relationship to the Complainant (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Moreover, the Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name.

The Panel takes note of the Complainant's assertion that the Respondent is using the disputed domain name as part of a fraudulent scheme and that the Complainant has produced a declaration by a member of its staff on that point. Given the use of the disputed domain name above, the Panel finds it likely that the Respondent has sought to impersonate the Complainant in a fraudulent scheme, despite the fact that the Complainant did not corroborate the declaration with any of the referenced customer emails. Notwithstanding this, the Respondent's use of the nearly identical disputed domain name to allegedly offer identical services to those of the Complainant cannot confer rights or legitimate interests upon the Respondent.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered or is Being Used in Bad Faith

The Panel finds that the Respondent must have known about the Complainant's business and trademark as the disputed domain name resolves to a website offering the services identical to those offered by the Complainant. The disputed domain name was registered 20 years after the registration of the Complainant's trademark. The nature of the disputed domain name suggests an affiliation with the Complainant as it incorporates the Complainant's trademark in its entirety. The display of the Complainant's trademark with design on the website connected to the disputed domain name, reinforces the impression that the disputed domain name is affiliated with the Complainant.

Such conduct of using a domain name, to attract Internet users for commercial gain, would fall squarely within the meaning of paragraph 4(b)(iv) of the Policy, and accordingly, the Panel finds that the Complainant has satisfied 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, <global-knowledge.net>, be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: October 26, 2023