

ADMINISTRATIVE PANEL DECISION

Emirates Integrated Telecommunications Company PJSC v. Rizwan Ahmed Case No. DAE2023-0010

1. The Parties

The Complainant is Emirates Integrated Telecommunications Company PJSC, of United Arab Emirates, represented by Rouse and Co. International, United Arab Emirates.

The Respondent is Rizwan Ahmed, of United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <duhome.ae> is registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2023. On November 15, 2023, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On November 16, 2023, AE Domain Administration (.aeDA) transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (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 December 1, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was December 21, 2023. The Respondent did not submit any Response. Accordingly, the Center notified the Parties of the commencement of panel appointment on January 3, 2024.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on January 15, 2024. 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 one of two telecom operators in the United Arab Emirates and has been operating under the trademark DU since 2007. The Complainant owns many trademark registrations for DU such as the following:

- United Arab Emirates Trademark Registration No. 077825, registered on December 12, 2007;
- United Arab Emirates Trademark Registration No. 077810, registered on August 4, 2008; and
- United Arab Emirates Trademark Registration No. 077831, registered on December 12, 2007.

The disputed domain name was registered on July 20, 2023, and is used in connection with the services of the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name contains the Complainant's trademark together with the term "home" and the country code Top-Level Domain ("ccTLD") ".ae".

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Complainant did not authorize the Respondent to use its trademark nor is the Respondent affiliated with the Complainant. There is no noncommercial or fair use of the disputed domain name as it redirects to a page, which offers services of the Complainant with the intent of commercial gain and by misleading consumers.

The Complainant contends that the disputed domain name was registered and is being used in bad faith.

The Respondent must have had knowledge of the Complainant and its trademark. The composition of the disputed domain name aims at creating an impression of affiliation with the Complainant. The content of the website to which the disputed domain name redirects confirms further such intention.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for DU. The Panel is satisfied that the Complainant has established its ownership of the trademark DU.

It is established by prior UDRP panels that when a domain name incorporates a complainant's registered trademark, such incorporation is sufficient to establish identity or confusing similarity for the purposes of the Policy even if other words are added as part of the disputed domain name. *E.g., Oki Data Americas, Inc v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("*Oki Data*"). The disputed domain name incorporates the

Complainants' trademark DU in its entirety. The word "home" does not alter the fact that the disputed domain name is confusingly similar to the Complainant's trademark. The ccTLD ".ae" should generally be ignored when assessing confusing similarity as established by prior UDRP decisions.

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 that the Respondent is not affiliated with nor authorized by the Complainant to use its trademark. The Respondent should prove 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 seems to offer products of the Complainant. Therefore, there may be an argument that the disputed domain name is being used in connection with a *bona fide* offering of products. In line with the *Oki Data* test, a number of requirements have to be met (see *Oki Data Americas, Inc v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Here, under *Oki Data* requirement No. 3, it is not made clear that the services offered on the website gives the impression it is affiliated with the Complainant.

In this instance requirement No. 3 has not been met. Therefore, it is the Panel's view that the requirements of the *Oki Data* test have not been met.

Above all, the Panel finds that the nature of the disputed domain name carries a risk of implied affiliation with the Complainants. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").¹

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 Used in Bad Faith

The Respondent clearly knew of the Complainant's business and trademark as the disputed domain name resolves to a website offering the services of the Complainant. The nature of the disputed domain name suggests affiliation with the Complainant as it incorporates the Complainant's trademark in full. The use of the term "home" reinforces the impression that the disputed domain name is the Complainant's website for offering services related to customer's homes such as TV and Internet. Furthermore, the color scheme used on the website reflects the colors used by the Complainant on its website.

The disputed domain name resolves to a website, which offers the Complainant's products. The above analysis shows that that the Respondent registered the disputed domain name in order to attract consumers for commercial gain by creating an impression of being affiliated. Also, the domain name is so closely connected with the Complainant's trademark that its use by someone with no connection to the Complainant suggests "opportunistic bad faith" (See *Oki Data, supra*).

¹ The Panel notes that the UAE Domain Name Dispute Resolution Policy is substantially similar to the Uniform Domain Name Dispute Resolution Policy ("UDRP") and will in this case refer to prior UDRP cases and principles as well as the applicable sections of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), where applicable.

Such conduct falls 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 6(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <duhome.ae> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Panelist

Date: January 29, 2024