

## **ADMINISTRATIVE PANEL DECISION**

MARLINK SA v. ahmed mahmoud fakhr eldin, webeasystep  
Case No. D2024-1591

### **1. The Parties**

Complainant is MARLINK SA, Belgium, represented by MIIP – MADE IN IP, France.

Respondent is ahmed mahmoud fakhr eldin, webeasystep, Egypt.

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

The disputed domain name <msarlink.com> (the “Domain Name”) 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 16, 2024. On April 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same date, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which differed from the named Respondent (UNKNOWN) and contact information in the Complaint. The Center sent an email to Complainant on April 19, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. On April 20 and April 21, 2024, Respondent sent emails to the Center. Complainant filed an amended Complaint on April 23, 2024. Respondent filed an early Response on the same date.

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 Respondent of the Complaint, and the proceedings commenced on April 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2024. Respondent did not submit any further communications. On May 17, 2024, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Robert A. Badgley as the sole panelist in this matter on June 5, 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

Complainant describes itself as “a Belgium company specialized in providing telecommunications services and particularly involved in cybersecurity in the maritime industry.” According to Complainant, it “operates internationally with related companies such as MARLINK SAS in France, MARLINK.INC in the USA, MARLINK AS in the Netherlands, (Kingdom of the).”

Complainant holds various trademark registrations for MARLINK, including European Union Reg. No. 015333487, registered on October 4, 2016 in International Class 38 for “Telecommunication services; Communication services by satellite; Satellite transmission; Providing of information relating to communications via satellite.”

Complainant owns the domain name <marlink.com> and uses that domain name to operate a commercial website.

Complainant provides no information about the size of its operations, the degree of renown its MARLINK trademark enjoys, or any presence it may have in Egypt (Respondent’s country).

The Domain Name was registered on April 4, 2024, 12 days before the Complaint in this proceeding was filed. The Domain Name does not resolve to an active website. For a few days after registration, the Domain Name resolved to a parking page displaying at least one pay-per-click link evidently established by the Registrar.

Respondent alleges that he selected the Domain Name because it is a combination of the English word “link” and an Arabic term, “msar,” and that this combination – msarlink – is related to Respondent’s activities in the educational field, a field in which Respondent has operated since at least 2014. According to Respondent:

“The term ‘msar’ [...] derives from the Arabic word for ‘path’ or ‘track,’ aptly reflecting the educational pathway the academy provides to its students in the field of computer science and technology. The addition of ‘link’ to the domain name is intentionally chosen to symbolize the educational connection or link the academy aims to establish between high school and university levels of education. This strategic choice in naming underscores the Respondent’s legitimate educational objectives and aligns perfectly with the academy’s mission to support its students through their educational journey. Furthermore, the Respondent’s use of the domain name is closely associated with the established brand ‘webeasystep,’ which has been operational since 2014. This long-standing presence in the educational sector, combined with associated digital content available on its YouTube channel, solidifies the Respondent’s bona fide use of the domain name for legitimate educational purposes. The content and services provided under the ‘msarlink.com’ domain are directly linked to the accredited educational activities of the Respondent, which are well-documented and publicly accessible.”

As Respondent explains further:

“This term [“msar”] is derived from the authentic Arabic word ‘مسار,’ which translates to ‘path’ or ‘track’ in English. I have employed Latin characters for its transcription, adapting a term well-rooted in my native language to a global [I]nternet audience.”

Respondent provides some evidence of his use of his “webeasystep” site as a brand on YouTube, and he does not provide actual evidence of his activities in the educational field.

Respondent denies having been aware of Complainant or its MARLINK trademark at the time he registered the Domain Name.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

### **B. Respondent**

The essentials of Respondent's position in this case are reflected above in the "Factual Background" section. In sum, Respondent claims to have had a legitimate, good-faith basis for registering the Domain Name. According to Respondent, he was unaware of the MARLINK mark when he registered the Domain Name, and there is no reason to discredit this assertion (because Respondent operates in a different field from Complainant, and the extent – if any – of Complainant's activities in Egypt are not established).

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's trademark and the Domain Name. [WIPO Overview 3.0](#), section 1.7.

The Panel concludes that Complainant has rights in the trademark MARLINK through registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark. The Domain Name entirely incorporates the MARLINK mark and interposes the letter "s." The Panel concludes that the mark remains recognizable within the Domain Name despite this additional letter.

Complainant has established Policy paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or

(iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel need not address this element under the Policy, in part because the Panel's conclusion below in the "Bad Faith" section renders this element moot, and in part because Respondent did not provide enough record evidence to definitively corroborate his assertion of legitimacy.

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

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Complainant has failed to carry its burden of proving that Respondent registered and used the Domain Name in bad faith under the Policy. Based on the record provided, the Panel cannot conclude, on a balance of probabilities, that Respondent more likely than not had Complainant's MARLINK trademark in mind when registering the Domain Name.

Complainant has not provided enough information about the renown of its mark or the extent of its activities in Egypt (or the Arabic-speaking world) to lead the Panel to conclude that Respondent probably targeted Complainant's mark. The Panel is not saying that it accepts at face value Respondent's largely uncorroborated explanation for registering the Domain Name, but Respondent's account does not appear implausible on its face or contradicted by anything else in the record. Again, because the burden of proof rests with Complainant in this proceeding, the lack of evidence on both sides here compels a denial of this Complaint.

Complainant has not established Policy paragraph 4(a)(iii).

### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Robert A. Badgley/*  
**Robert A. Badgley**  
Sole Panelist  
Date: June 20, 2024