

ADMINISTRATIVE PANEL DECISION

RAVAGO S.A. v. Mrs. Zahra Rezaee Rad
Case No. DIR2024-0016

1. The Parties

The Complainant is RAVAGO S.A., Luxembourg, represented by LAIDEBEUR & PARTNERS, Luxembourg.

The Respondent is Mrs. Zahra Rezaee Rad, Iran (Islamic Republic of).

2. The Domain Name and Registrar

The disputed domain name <ravago.ir> is registered with IRNIC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 19, 2024. Hard copies of the Complaint were received by the Center on November 22, 2024. On November 19, 2024, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain name. On November 19, 2024, IRNIC 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 November 20, 2024, providing the registrant and contact information disclosed by IRNIC, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on November 22, 2024.

The Center verified that the Complaint and the amended Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (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 November 26, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was December 16, 2024. On December 17, 2024, the Center notified the Respondent’s default.

The Center appointed Mihaela Maravela as the sole panelist in this matter on December 24, 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

According to information in the Complaint, the Complainant is an international group with its headquarters located in Luxembourg, specializing in the manufacture, recycling, and distribution of plastics and chemicals and serving more than 50,000 active customers.

The Complainant is the holder of a number of trademarks for RAVAGO, including the European Union trademark No. 004976528 for RAVAGO (figurative) registered on March 6, 2007, for classes 1, 16, and 17, the International trademark No. 900058 for RAVAGO (figurative) registered on September 22, 2006, for classes 1 and 17, or the International trademark No. 1073695 for RAVAGO (word) registered on January 18, 2011, for classes 1, 16, 17, 19, 35, 39, 40, and 42 (with Iran (Islamic Republic of) as one of the designated countries under the Madrid Protocol). The Complainant has registered numerous domain names for RAVAGO, including <ravago.com>, registered on July 2, 1997, that it uses as its main website.

The Respondent is reportedly an individual located in Iran (Islamic Republic of).

The disputed domain name was registered by the Respondent on October 27, 2019, and according to information with the Complaint, it resolves to a parked page, indicating that the disputed domain name is for sale.

5. Parties' Contentions

A. Complainant

The Complainant argues that the disputed domain name is identical to the Complainant's trademark rights, and to its company name.

As regards the second element, the Complainant contends that it has never licensed nor otherwise permitted the Respondent to use its trademark RAVAGO or to apply for any domain name incorporating the said trademark. There is no relationship or economic link between the Complainant and the Respondent. Furthermore, the Complainant submits that with an email address that omits the Respondent's name, a postal address that cannot be verified, and no evident connection between the Respondent's name and RAVAGO, it is clear that the Respondent is not commonly known by the name RAVAGO and has no rights or legitimate interests in respect of the disputed domain name. In addition, the fact that no substantial content is available on the website linked to the disputed domain name, other than the indication that the domain is for sale, strengthens the argument that there is no real use of the disputed domain name for commercial activities or service provision, which clearly shows that the Respondent has no rights or legitimate interests in respect of the disputed domain name, but is simply seeking to profit from it.

Further, in what concerns the third element, the Complainant submits that the name RAVAGO has been created as an abbreviation of the two first letters of each element of the name of its founder, RAf VAn Gorp, therefore the name RAVAGO is unique, and relates to the Complainant and its subsidiaries only. The RAVAGO trademarks were used and registered before the disputed domain name was registered. The Complainant has a presence on the Internet and is also well-known globally. Thus, it is improbable that the Respondent was unaware of the Complainant's trademark rights. As regards the use, the disputed domain name was clearly registered by the Respondent with a view to resale, as evidenced by the web page linked to the disputed domain name, which shows that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring it to the Complainant or to a competitor

of the Complainant. Also, the disputed domain name is used on an X account which uses the disputed domain name in its biography, further amplifying the Respondent's deceptive intent.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a 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 name, and (iii) the disputed domain name has been registered or 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 the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"),¹ section 1.7.

Based on the available record, the Panel finds that the Complainant has shown rights in respect of the trademark RAVAGO for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is the settled view of panels applying the Policy that the country code Top-Level Domains ("ccTLD") (here ".ir") may be disregarded under the first element test. See [WIPO Overview 3.0](#), section 1.11.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

As established by previous UDRP panels, it is sufficient for the complainant to make a prima facie case demonstrating that the respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainant has proved it holds rights over the trademark RAVAGO, and claims that the Respondent has no legitimate reason to register or acquire the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name.

¹ Given the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (UDRP), the Panel deems the [WIPO Overview 3.0](#) and the UDRP decisions relevant.

Moreover, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The Panel considers that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent failed to rebut that prima facie case. Furthermore, the nature of the disputed domain name carries a high risk of implied affiliation and cannot constitute a fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered or Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered or is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

According to the unrebutted assertions of the Complainant, its RAVAGO trademark was widely used in commerce well before the registration of the disputed domain name, including in the Respondent's country. The disputed domain name is identical with the Complainant's trademark and the X account which uses the disputed domain name in its biography displays the Complainant's trademark and logo. Under these circumstances, the Panel considers that the Respondent was aware of the Complainant's trademark at the registration date of the disputed domain name and it targeted it.

Registration in bad faith is sufficient under the Policy for the third element to be established. Nevertheless, the Panel will briefly analyze the bad faith use for completeness. The Complainant has proved that the disputed domain name is offered for sale. This, in view of the finding that the Respondent has no rights to or legitimate interests in the disputed domain name, given also the distinctiveness of the Complainant's trademark and the identity of the disputed domain name with the Complainant's trademarks, as well as the failure of the Respondent to present a credible rationale for registering the disputed domain name, appears to signal an intention on the part of the Respondent to derive commercial gain from the resale of the disputed domain name, riding on the reputation of the Complainant's trademarks (this Panel accepts that the amount for which the disputed domain name has been put for sale presumably exceeds, without evidence to the contrary, the Respondent's out-of-pocket expenses in registering the disputed domain name). The circumstances referred to in paragraph 4(b)(i) of the Policy are applicable.

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <ravago.ir> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: January 7, 2025