

## **ADMINISTRATIVE PANEL DECISION**

Assa Abloy AB v. Ali Amir Aslankhan  
Case No. DIR2024-0018

### **1. The Parties**

The Complainant is Assa Abloy AB, Sweden, represented by Coöperatie SNB-React U.A., Netherlands (Kingdom of the).

The Respondent is Ali Amir Aslankhan, Iran (Islamic Republic of).

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

The disputed domain name <hid-global.ir> is registered with IRNIC.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2024. On November 21, 2024, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain name. On November 26, 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 (name unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 amendment to the Complaint on November 28, 2024. The Respondent sent several emails to the Center on November 26 and 27, 2024. Hard copies of the Complaint were received by the Center on November 22, 2024.

The Center verified that the Complaint and the amendment to the 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 29, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was December 19, 2024. The Respondent did not file any formal Response. On December 20, 2024, the Center notified the commencement of panel appointment process.

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 a global leader in door opening solutions. The Complainant has a unique global market presence with operations in over 70 countries, including a presence in the Middle East. One of its group companies, HID Global Corporation, has a leading market position in identity solutions providing secure and convenient access to physical and digital places and connecting things that can be accurately identified, verified, and tracked digitally, being one of the worldwide market leaders in biometric authentication.

The Complainant is the holder of a number of trademarks for HID GLOBAL, including the European Union trademark No. 005352951 for HID GLOBAL (word) registered on August 14, 2007, for class 9.

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

The disputed domain name was registered on October 27, 2013, and according to information with the Complaint, it was used to resolve to a website displaying the HID GLOBAL trademark of the Complainant and logo and pictures from the Complainant's official website, and allegedly offering the Complainant's services, without displaying any disclaimer of non-affiliation with the Complainant. After the receipt of the Complaint and at the date of the Decision the disputed domain name no longer resolves to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant argues that the disputed domain name is confusingly similar to its HID GLOBAL trademarks, as the disputed domain name incorporates the entirety of the Complainant's trademark, with the only distinction being the use of a hyphen.

As regards the second element, the Complainant submits that the Respondent does not have rights or legitimate interests in the disputed domain name which was used to resolve to a website imitating the look and feel of the Complainant's official website located at the domain name <hidglobal.com>, it contained links to the official social media accounts of the Complainant, together with the wording "HID Global Corporation, ASSA ABLOY" and displayed the Complainant's trademark and logo. The Respondent also claimed to be the official representative of the Complainant in Iran (Islamic Republic of). Even if the Respondent was distributing or reselling authentic goods, it does not have a legitimate interest in the disputed domain name since the Oki Data criteria is not met (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). As such, there is no evidence that the Respondent is using the disputed domain name to sell goods bearing the Complainant's trademark and in addition there is no accurate disclosure or prominent disclaimer about the Respondent's relationship with the trademark holder.

With respect to the third element, the Complainant argues that it is inconceivable that the Respondent was unaware of the Complainant and its trademarks when registering the disputed domain name which incorporates the Complainant's trademark in its entirety and given also that the Complainant's trademark and logo were displayed on the website at the disputed domain name. The disputed domain name resolved to a website that contained no accurate and prominent disclosure of the Respondent's relationship with the trademark holder (or lack thereof), and as such it created the false impression that it is operated by the Complainant, or by a company affiliated to the Complainant. The Complainant submits that the Respondent

does not represent the Complainant in Iran (Islamic Republic of) and that the use of the disputed domain name is intended to exploit the Complainant's reputation to attract Internet users by creating a likelihood of confusion with the Complainant's trademark, which is evidence of bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions. In the communications of November 26 and 27, 2024, the Respondent initially asked to be provided with the content and details of the Complaint so that it could proceed with the necessary amendments, and thereafter informed the Center that he has "taken the website in question offline", "as a demonstration of my good faith and to address the Complainant's concerns".

## **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](#)")<sup>1</sup>, section 1.7.

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

The Panel finds the trademark HID GLOBAL of the Complainant is recognizable within the disputed domain name which incorporates the Complainant's trademark in its entirety and a hyphen, which does not in the view of the Panel prevent the Complainant's trademark from being recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar 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.

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<sup>1</sup> 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.

As established by previous 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 HID GLOBAL 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. Rather, according to unrebutted evidence with the Complaint, the website at the disputed domain name allegedly has offered for sale the Complainant's branded services, displaying the Complainant's trademark HID GLOBAL, as well as pictures from the Complainant's official website, with no disclaimer as to the relationship or lack thereof with the Complainant. Such use does not in the circumstances of this case give rise to any rights or legitimate interests on the Respondent's part. Also, the Respondent is claiming to be the official representative of the Complainant in Iran (Islamic Republic of), which the Complainant submits it is not the case, thus, the website under the disputed domain name did not accurately disclose the non-existing business relationship between the parties to this case.

Furthermore, the nature of the disputed domain name carries a 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](#).

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. The Respondent's conclusory assertions, replicated above, that he has "taken the website in question offline", "as a demonstration of my good faith and to address the Complainant's concerns", fail to provide any evidence of rights or legitimate interests and, as assessed by the Panel above and below, the retroactive actions by the Respondent still fail to adequately redress the inherently misleading nature of the disputed domain name composition and use.

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 HID GLOBAL trademark was widely used in commerce well before the registration of the disputed domain name. The disputed domain name is confusingly similar with the Complainant's trademark and the website at the disputed domain name displayed the Complainant's trademark and images from the Complainant's official website. The Respondent does not deny in its informal communication its knowledge of the Complainant and its trademarks. 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 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 disputed domain name resolved to a website that purported to offer the Complainant branded services and displaying the Complainant's trademark HID GLOBAL, as well as pictures from the Complainant's official website, also presenting the Respondent as the Complainant's official representative in Iran (Islamic Republic of), which it is not. The Complainant denies extending an authorization for such use. Given the circumstances in the case, the

Panel considers that the Respondent must have had knowledge of the Complainant's rights in the HID GLOBAL trademarks when it registered the disputed domain name and it has intentionally created a likelihood of confusion with the Complainant's trademarks and website in order to attract Internet users for its own commercial gain, as envisaged by paragraph 4(b)(iv) of the Policy and/or to disrupt the business of the Complainant.

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

Although at the time of the decision, the disputed domain name is inactive, considering the circumstances of this case, the Panel finds that such non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

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 <hid-global.ir> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: January 7, 2025