

ADMINISTRATIVE PANEL DECISION

Almarai Company v. AbdulSamad Khan
Case No. D2025-1033

1. The Parties

The Complainant is Almarai Company, Saudi Arabia, represented by Abu-Ghazaleh Intellectual Property (AGIP), Egypt.

The Respondent is AbdulSamad Khan, Saudi Arabia, self-represented.

2. The Domain Name and Registrar

The disputed domain name <almaraisa.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 13, 2025. On March 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 2025, the Registrar 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 17, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on March 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2025. Email communications on behalf of the Respondent were sent to the Center on March 17 and 18, 2025 and the Response was filed with the Center on April 8, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on April 15, 2025. 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 a multi-national corporation headquartered in Saudi Arabia producing and supplying dairy, beverage and other food products. In addition to dairy products, the Complainant's product range has expanded to include juices, bakery, baby food and infant formula and poultry products.

The Complainant was established in 1977. Its ALMARAI brand was valued at USD 3.9 billion in Brand Finance's 2024 Annual Global Brand Report and is apparently ranked the number one FMCG brand in the Middle East and North Africa. In 2024, the Complainant was ranked the fourth most valuable dairy brand globally.

In addition to physical outlets, the Complainant promotes its products and ALMARAI brand from websites at "www.almarai.com" and "www.almarapro.com", having registered the domain name for the former in 1997 and, for the latter, in 2019. Under its name "Almarai", the Complainant's

- (a) Facebook account has 4.8 million followers;
- (b) LinkedIn page has 1,086,361 followers;
- (c) Instagram account has 758,000 followers;
- (d) Twitter ("X") account has 505,600 followers; and
- (e) YouTube channel has 366,000 subscribers.

The Complainant has submitted the results of a Google search for "Almarai" (presumably from Egypt where its representative is located) showing that the results on the first page (at least) refer to the Complainant or its products.

The Complaint also includes evidence that the Complainant has numerous registered trademarks including:

- (1) Saudi Arabia Registered Trademark No. 139800112 which has been registered for meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats in International Class 29 for the following figurative mark:



- (2) Saudi Arabia Registered Trademark No. 139801015 which has been registered for grains and agricultural, horticultural and forestry products not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt in International Class 31 for the following figurative mark:



Both marks were registered on May 20, 1978 but the translation of the registration certificates states that, for both marks, protection started on March 12, 2017. (Neither party has explained the significance of this notation.)

In addition, the Complainant also has registrations in a number of countries for the figurative mark:



An example is Turkish Registered Trademark No. 2010 29802 which has been registered for a range of goods in International Classes 5, 29, 30, and 32 since September 5, 2010.

The Complaint includes evidence of numerous other registrations similar to one or other of the above trademarks across the Middle East, Northern Africa, China, Pakistan, India, and the European Union and the United Kingdom.

The Complainant's business also includes a waste management arm which includes the production of organic fertilizer. In its Waste Management Report published in 2022, production and sale of this product was highlighted and appears to have commenced during the year in 2021.

According to the WhoIS report, the disputed domain name was registered on January 3, 2022.

The Respondent is a Saudi national who has been carrying on business through an associated company under the name Almarai Fertilizer Company which, according to the Response, has been registered and operating since 2017.

When the Complaint was submitted, the disputed domain name resolved to a website headed Almarai Fertilizer Factory which offers for sale a range of fertilizer and soil products such as:



According to the Response, the Respondent's company has made "over 47 sales" through the website since it commenced operations.

In February 2025, however, the Complainant obtained orders from the Ministry of Commerce in Saudi Arabia ordering the Respondent's company to change its name and the company name has now been changed to Bassam Hamdan Al-Ruwaili Fertilizer Factory.

The Respondent has commenced proceedings in the Riyadh Commercial Court seeking reinstatement of the former name. In addition, there are also proceedings in the Riyadh Commercial Court in which the Respondent is seeking to have the Complainant's trademarks cancelled. The Complainant has also commenced proceedings against the Respondent for infringement of its trademark.

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (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 and is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

Supplemental filings

Apart from documents requested by the Panel pursuant to paragraph 12 of the Rules, neither the Policy nor the Rules expressly provide for supplemental filings. Their admissibility is therefore in the discretion of the Panel bearing in mind the requirements under paragraph 10 of the Rules to ensure that the proceeding is conducted with due expedition and both parties are treated equally, with each party being given a fair opportunity to present its case.

With some hesitation, the Panel admits both supplemental filings into the record in this proceeding as taken together they give a fuller picture of the litigation between the Parties.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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](#)"), section 1.7.

The Complainant has proven ownership of numerous registered trademarks for figurative versions of the ALMARAI trademark such as those illustrated above.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g., [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain ("gTLD") (".com") component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

It is also usual to disregard the design elements of a trademark under the first element as such elements are generally incapable of representation in a domain name. Where the textual elements have been disclaimed in the registration or cannot fairly be described as an essential or important element of the trademark, however, different considerations may arise. See for example, [WIPO Overview 3.0](#), section 1.10.

In the present case, the Respondent points out that "Almarai" is an Arabic word meaning "pastures" or "grazing lands". Accordingly, the Respondent contends the Complainant can have no trademark rights in the term. In reliance on that, the Respondent states that his company has commenced court proceedings in the Riyadh Commercial Court (Case No 46711058) contesting the validity of the trademark.

It is not usually the Panel's place to question the validity of a registered trademark, especially ones of such long standing. Ordinarily, while accepting that "Almarai" is a dictionary word in Arabic, the Panel would consider it is not descriptive of either the Complainant's goods or the Respondent's goods.

Further, while the Panel is not unmindful of the pending Court proceedings, that is not usually a factor requiring a termination of the administrative proceeding. [WIPO Overview 3.0](#), section 4.14.

Further still, the Complainant has provided evidence of substantial public recognition of its name and trademarks.

Yet still further, the Panel approaches the cursive script in the Complainant's trademarks as being representations of "almarai" in Arabic script.

In these circumstances, the Panel considers it is appropriate to apply the usual rule so that the comparison is between the disputed domain name and the word "almarai".

Disregarding the ".com" gTLD, therefore, the disputed domain name consists of the Complainant's registered trademark and the term "ksa". Both Parties are in agreement that these letters serve as an abbreviation to reference Saudi Arabia. As this requirement under the Policy is essentially a standing requirement, therefore, the addition of this term does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.0](#), section 1.8. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Registered and Used in Bad Faith

In the circumstances of this case, it is appropriate to consider the third requirement under the Policy next.

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

On the limited record before the Panel, it seems very unlikely that the Respondent was unaware of the Complainant and its trademark when registering the disputed domain name.

It appears from the record, however, that the Respondent adopted the disputed domain name only after its company had been operating under the name Almarai Fertilizer Company since (according to the Respondent's supplemental filing) 2017.

That was in a context where, while it appears the Complainant's name and trademark is very well-known, the word "almarai" as mentioned above has a dictionary meaning of pasture or grazing land. Moreover, the Respondent adopted the name for use in the field of fertilizer.

At that time, so far as the record in this proceeding shows, the Complainant was using its trademark in relation to food and beverage products and poultry only. It was not using it in relation to fertilizer as it appears that the Complainant introduced its fertilizer product only in 2021.

It is very possible that the Respondent adopted the name “Almarai” for his company on the basis of the reputation which the Complainant had built up in its mark for its products. And it may be that the more extensive procedures available in court proceedings would bear out that conclusion.

In the present case (which is a proceeding on the papers), however, the Panel cannot say that “almarai” is a surprising or inappropriate term for use in connection with fertilizer products albeit not directly descriptive of such products. Further, on the limited record available in these proceedings, the production of fertilizer products does not seem like a natural or even likely extension for a business engaged in making and selling food and beverage products and poultry.

The Complainant recognizes this to an extent by invoking article 6*bis* of the Paris Convention which requires signatories to extend protection to trademark owners against use of similar signs in respect of goods which are not similar to those for which registration has been obtained provided that the impugned use would indicate a connection between the relevant goods (here fertilizer) and the trademark owner and provided further that the interests of the trademark owner are likely to be damaged by such use.

First, it may be that the Complainant could establish that the Respondent’s use is an infringement of the Complainant’s rights under relevant national trademark law. However, the question of trademark infringement is an inquiry which applies a different test to the requirement of registration and use in bad faith under the Policy.

Whatever may be the case under trademark law, when the Respondent registered the disputed domain name in 2022 so far as the record in this proceeding shows the Respondent had already been carrying on a business supplying fertilizer products under the registered name Almarai Fertilizer Company for some five years. It was apparently able to do so, at least as can be seen from the papers presented by the Parties to the Panel, without objection by the Complainant. There may be good reasons why no objection had been forthcoming from the Complainant earlier but the question here is the good faith of the Respondent in circumstances where the Respondent’s company appears to have been operating in a different field to the Complainant for a number of years.

The Complainant has obtained an order from the Ministry of Commerce that the Respondent’s company change its name early this year. At the time the Respondent registered the disputed domain name, however, no such order or challenge was on foot and, as already noted, it appears that the Respondent had already been carrying on business under the name Almarai Fertilizer Company for some five years at least.

In that connection, Annex C to the Response indicates that the Complainant’s application to register its trademark in relation to fertilizer in class 1 was rejected. The Complainant’s supplemental filing does not appear to deal directly with this; stating that the Respondent has relied on an inapplicable Saudi trademark law and invoking the provisions of the Trademarks Law of the Gulf Cooperation Council States implementing article 6*bis* of the Paris Convention.

The Panel notes that the Complainant has successfully brought complaints in four other proceedings under the Policy. Each was uncontested and, more significantly for present purposes, concerned domain names directly related to the Complainant’s longstanding fields of business in for example poultry or dairy products and involving very different facts.

In these circumstances, the Panel is not satisfied that the Complainant has established the Respondent registered the disputed domain name in bad faith.

As the Complainant must establish registration in bad faith, therefore, it cannot make out the third requirement under the Policy.

Accordingly, the Complaint must fail.

C. Rights or Legitimate Interests

As the Complaint must fail, no good purpose would be served by addressing this requirement under the Policy.

6. Decision

For the foregoing reasons, the Complaint is denied.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: April 29, 2025