

## **ADMINISTRATIVE PANEL DECISION**

Uniservice Unisafe S.r.l. v. Vishakha Unnithan  
Case No. D2025-3314

### **1. The Parties**

The Complainant is Uniservice Unisafe S.r.l., Italy, represented internally.

The Respondent is Vishakha Unnithan, India.

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

The disputed domain name <uniservmarine.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2025. On August 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 19, 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 (Registrant of <UNISERVMARINE.COM>) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 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 amendment to the Complaint on August 20, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Respondent filed its response on August 22, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on September 1, 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 an Italian limited liability company (Società a responsabilità limitata) incorporated under the laws of Italy. Very few details are given about its activities in the Complaint and Annexes, other than what is asserted on screenshots of its official website, namely, that it uses an agency model (a network of affiliated companies, licensees and independent agents) to support global shipping companies in more than 900 ports, and maintains several production locations and strategically located warehouses. The Complainant is also noted on search engine results to be a supplier of marine chemicals, gas detectors, fire and safety equipment, and consultancy services to the global marine sector. The Complainant adds on its website that it obtained ISO9001 certification in 2018.

The Complainant does not rely on its ownership of any registered trademarks but asserts unregistered trademark rights in the terms “Uniservice”, “Unisafe”, and “Uniservicemarine” identifiers through alleged longstanding commercial use (duration not directly evidenced) and through the operation of its primary domain name <uniservicemarine.com>, registered since December 16, 2003 (nature and extent of historic use not evidenced). The Complainant provides multiple search engine queries from the Google and Bing search engines on terms such as “uniservice unisafe” (not searched as a phrase), “uniservicemarine”, and “uniservice marine” (searched as a phrase), all taken on August 13, 2025, each of which shows the Complainant as the top item in the search results.

The disputed domain name was registered on January 23, 2021. The Respondent is a full time director of Uniserv Marine Solutions India Private Limited, an Indian company incorporated on February 5, 2021, under corporate identity number U61100KL2021PTC067247, having a principal place of business in Kerala, India. For reasons outlined below, the Panel treats the Respondent as both the director of said company and the company itself, which are referred to hereafter as “the Respondent”. The Respondent shows that it holds a current goods and services tax registration issued by the Government of India, with a date of validity from March 17, 2021. The Respondent also shows that it holds an importer-exporter code issued by the Government of India dating from March 31, 2021.

The website associated with the disputed domain name is the Respondent’s official corporate website, on which it offers “steel and emergency vessel repairs”, “vessel tank cleaning services”, “blasting and painting services”, “cargo hold cleaning services”, “engine and all machinery overhauling”, “ship supplies and repairs”, and “life-saving appliances and fire-fighting equipment”. In general, the said website does not mimic the look and feel of the Complainant’s website, nor are the Parties’ logos similar in appearance.

The Complainant shows that an email emanating from the disputed domain name with the subject line of “C39005-HL - RFQ for Annual FFE || Livorno, Italy 12:00 LT 25/7” was sent on July 23, 2025 to an entity which the Complainant says is one of its partners. The Panel has only been provided with the headers of that email and cannot say, for example, whether its content indicated that it was a normal business communication or alternatively whether it was confusing or misleading to any extent regarding the Parties’ corporate identities.

The Respondent produces Internet searches showing that a variety of companies use similar names, including “UniSAFE”, “Uniservice Facility Management Services”, “UniMarine”, “UniMarine Group”, “UniSea”, “Unisea Maritime Services”, and “Uniserve”.

## **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 asserts that its longstanding use of its official domain name <uniservmarine.com> together with search engine results demonstrate marketplace recognition supporting unregistered trademark rights. The Complainant adds that the disputed domain name is a "near miss" of its said official domain name, omitting the internal letters "ice" which it says is a classic typosquatting truncation that panels under the Policy find confusingly similar.

The Complainant submits that it has not authorized the Respondent to use its identifiers or any confusingly similar domain name, adding that the website associated with the disputed domain name promotes commercial marine services in the same industry as the Complainant, and contending that this is not a bona fide offering of goods or services where the disputed domain name itself targets the Complainant's identifier. The Complainant indicates that there is no evidence that the Respondent is commonly known by the term "uniservmarine", adding that the use thereof is commercial rather than noncommercial or fair. The Complainant references the email sent to its alleged partner as outlined in the factual background section above, submitting that this is inconsistent with any fair or descriptive use and supports a targeting narrative.

The Complainant notes that its said official domain name predates the disputed domain name by over 17 years, adding that the Respondent more likely than not knew of the Complainant at the time of registration of the disputed domain name due to the high similarity between the strings and the overlap in marine services offerings. The Complainant asserts that the Respondent uses the disputed domain name in a confusing manner for commercial gain, referencing the email sent to its alleged partner and the similarity in service offerings between the Parties. The Complainant states that this evidences intentional attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion as to source or affiliation.

The Complainant notes that its record of the technical configuration of the disputed domain name supports the fact that it is live for commercial purposes including email, adding that the search engine results which it has produced show discoverability and risk of user confusion.

### **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that it is duly incorporated and registered in India since 2021 with the necessary government recognition, and is engaged in marine engineering and allied services. The Respondent asserts that the term "Uniserv" represents a distinct brand identity developed locally in India, with primary operations centered in India and Asia, which is not intended to imitate the Complainant, whose primary presence is in Europe.

The Respondent submits that the Complainant's mark is not unique, given that "marine" is an industry term used by numerous companies worldwide together with, for example, "Unisafe", "Uni[marine]", "Uniservice", and "Unisea", all of which coexist in said industry. The Respondent asserts that the disputed domain name reflects its corporate name, adding that its coexistence alongside similar names demonstrates that there is no exclusive right to the combination of "uni" with "marine".

The Respondent contends that the name "Uniserv" is derived from the expression "United We Serve", reflecting the Respondent's mission to serve marine customers with integrity and collaboration, arguing that the origin of its brand demonstrates its distinct and original identity that is not a derivative of the Complainant's mark, which is related to chemical sales.

The Respondent agrees that it has never sought authorization from the Complainant, adding that it does not need this when its name “Uniserv” derives from independent branding. The Respondent notes that it maintains an active presence, genuine market recognition, and engagement, through its official LinkedIn page with a growing community and over 53 per cent of its followers and subscribers based in India.

The Respondent contends that the disputed domain name was registered to represent its legitimate Indian business, not to mislead customers, adding that it operates in India with separate clientele and markets, that no attempt has been made to impersonate the Complainant or disrupt its business, and that any similarity between the Parties’ domain names is coincidental and arises through use of a common industry term rather than bad faith targeting.

The Respondent states that the Complainant’s claim of exclusivity is unfounded, due to the fact that several entities across the world operate under the name “Uniserv”, “Unisafe”, “Unimarine”, or “Uniservice”, in the same or entirely different industries, demonstrating that the Respondent’s adoption of “Uniserv” is not unusual or indicative of bad faith.

The Respondent submits that the Complainant operates primarily as a chemical supply company while the Respondent provides technical repair and inspection services, engineering solutions, and ship repair support services to vessel owners and ship managers, noting that these are distinct business models, with different offerings and customer bases, and confirming that the adoption and use of the disputed domain name was not intended to mislead or exploit the Complainant’s rights, but to represent independent operations.

## **6. Discussion and Findings**

### **6.1 Preliminary issue: Identity of the Respondent**

Paragraph 1 of the Rules defines the Respondent as “the holder of a domain-name registration against which a complaint is initiated”. The Panel nevertheless has discretion to substitute or join another entity as a respondent by way of its general powers as set out in paragraph 10(a) of the Rules.

Here, the Panel notes that the Response has been prepared on behalf of Uniserv Marine Solutions India Private Limited, a director of which appears as the holder of the disputed domain name. Given that the disputed domain name was evidently registered for use by the said company, the Panel is content to join it as a Respondent in the present case. Nevertheless, the name of the holder of the disputed domain name will be retained in the instance of this Decision for reasons of continuity and to allow the Registrar to implement an order for transfer of the disputed domain name in the event of the Complainant’s success in the administrative proceeding.

### **6.2 Substantive Issues**

#### **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”](#)), section 1.7.

The Complainant does not rely on registered trademark rights but asserts that it has unregistered rights in the mark UNISERVICEMARINE due to its registration and use of the corresponding domain name commencing in December 2003. The problem for the Complainant’s case is that it has provided no examples of the use of the disputed domain name except for those of the present day. The only other relevant adminicle of evidence that is presented is a series of search engine queries, again from the present day, many of which show the Complainant’s business as the top result of a relevant search, including those for “uniservicemarine” and “uniservice marine”. In addition, the Complainant makes various claims on its

website which are not independently evidenced on the present record, such as being “near [the customer] in more than 900 ports” (at least in part, via a network of affiliates and independent agents) and having obtained ISO9001 certification in 2018.

The Panel considers that this evidence, taken together, is insufficient to establish unregistered trademark rights in the term “uniservicemarine”. The Complainant has failed to put forward independent evidence demonstrating that the mark has acquired secondary meaning and has become a distinctive identifier which consumers associate with its goods and services, along the lines indicated by [WIPO Overview 3.0](#), section 1.3, namely evidence demonstrating (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. It should be noted in particular that self-generated claims on a corporate website cannot be regarded as independent evidence of consumer association, nor does the mere existence of a domain name on its own, even one registered some considerable time ago, prove anything on this topic.

What would be needed in support of the averment relating to the Complainant’s official domain name is some form of history demonstrating the use of that domain name over the years when it has been registered, accompanied by, for example, independent evidence of consumer, industry or media recognition of that domain name as referencing the Complainant’s business. Likewise, the Complainant’s evidence relating to contemporary search engine results does not demonstrate anything other than that the Complainant may benefit from good search engine optimization at the present time, and it cannot be said that, just because a company is highly placed on a search engine when one searches for it, the name appearing on the search engine has acquired the necessary secondary meaning required in terms of the Policy.

Accordingly, as the Complainant has failed to establish that it possesses a trademark within the meaning of the Policy, there is nothing to compare with the disputed domain name and the Complaint fails. Given the age of the Complainant’s official domain name, however, this is something of a close call, and for that reason, the Panel will proceed to consider the second and third element under the Policy.

The Panel finds the first element of the Policy has not been established.

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

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Here, the Panel does not consider that the Complainant has succeeded in establishing a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant submits that it has not authorized the Respondent to use its identifiers or any confusingly similar domain name. However, from the Panel’s perspective, the Complainant has not established UDRP-relevant rights in those identifiers. The Complainant’s position regarding its alleged rights amounts to no more than the fact that it owns a domain name that has been registered for a long period of time. While it claims a presence in 900 ports, this is merely the subject of assertion on the Complainant’s website, and is subject to the fact that the presence is provided in part by a network of third parties. While the Complainant shows that it appears at the top of searches for its corporate name, this may be just as indicative of good search engine optimization.

For its part, the Respondent shows that it is a duly incorporated company of some four years' standing. While the incorporation of a company with a name corresponding to the domain name that is the subject of a complaint under the UDRP does not typically, on its own, lead to a finding of rights and legitimate interests under the Policy (See *Royal Bank of Canada v. RBC Bank*, WIPO Case No. [D2002-0672](#)), here there is more evidence before the Panel indicating that the Respondent's company would not necessarily be considered to be merely a pretext for cybersquatting. In the first place, the Respondent shows that it has obtained certain official registrations from the Government of India regarding goods and services tax, and an Importer-Exporter code (the authentication of which the Panel confirmed online by reference to the instructions on the form produced by the Respondent). Secondly, the Respondent shows its LinkedIn page which specifies a total of 2,000 followers and an entity with 11 to 50 employees. As far as the Panel can see from a limited screenshot, the Respondent appears to have posted the typical kinds of posts on its LinkedIn page that one would expect of a genuinely trading company.

In these circumstances, the Panel is satisfied that the Respondent has produced credible evidence that it is commonly known by the disputed domain name based upon some four years' trading, even if it has acquired no trademark or service mark rights. [WIPO Overview 3.0](#), section 2.3 and paragraph 4(c)(ii) of the Policy. In addition, however, the Panel must consider whether there is an absence of any other indicia of cybersquatting. [WIPO Overview 3.0](#), section, section 2.3. Here, much turns on the fact that the Complainant has not established rights in "uniservicmarine" to the Panel's satisfaction, despite the Parties being in the same or at least a similar marine-related line of business, and the fact that the Respondent has provided evidence suggesting that the prefix "uni" combined with other terms including "marine" are not uncommon choices for company names in this and other sectors, whereby the Respondent's chosen name does not exclusively denote the Complainant or its business.

The Complainant's position is that the Respondent has engaged in "typosquatting" by truncating the Complainant's name, but for this to be the case, the disputed domain name would have to be a common, obvious, or intentional misspelling of the Complainant's trademark, which mark has not been established on the record before the Panel. While the Panel does consider that the Respondent's submission that its name represents the phrase "United We Serve" has to some degree the flavor of being reverse engineered, particularly when accompanied by no clear evidence that this was the genuine reason for its adoption, that, on its own, is not enough to amount to an indicium of cybersquatting in the circumstances of this case.

The Panel notes that the Respondent is said to have approached one of the Complainant's business partners by email. However, the Complainant failed to produce the email itself, whereby the Panel cannot ascertain, for example, whether the Respondent was in any way seeking to impersonate the Complainant, which would itself be an indicium of cybersquatting. All that the Panel knows is that the approach took place, and that the subject line of the email contains the term "RFQ" being a commonly used abbreviation for "Request for Quotation". It is reasonable for the Panel to infer, on the basis of the limited evidence presented by the Complainant, that the Respondent was either replying to a request for quotation, or was itself inviting a response to such a request. Without something more, this could not be seen as anything other than the Respondent operating in the normal course of its business, and nothing turns on the existence of such email on the present record.

The Panel finds that the Respondent has been commonly known by a name correspondent to the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The Panel finds the second element of the Policy has not been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent appears to be operating a legitimately registered and officially authorized business in India which has been trading for some four years. There is insufficient evidence before the Panel to suggest that, when the Respondent registered the disputed domain name, it did so in the knowledge of any rights of the Complainant and/or with any intent to target these. Notably, the Respondent's position is supported to a reasonable extent by its evidence that multiple companies deploy the prefix "uni" for their corporate names, together with the fact that "marine" is a widely-used descriptive term in the industry concerned. From an evidential perspective, something more would have been needed to be produced by the Complainant to show that the Respondent did not come by its corporate name independently but was effectively abbreviating the Complainant's name in order to benefit commercially from any confusion that might arise.

On that topic, and as discussed in the preceding sections, the Complainant's assertion of holding a domain name of longstanding together with the extracts of its self-generated content on its website and contemporary Internet searches are insufficient to establish that it has unregistered rights in the term "uniservicemarine", as it contends, and crucially are insufficient to establish the extent or reach of that mark that might allow a reasonable inference to be made as to knowledge and targeting on the Respondent's part.

The Complainant makes heavy reliance on Internet searches made in August 2025. These do nothing to establish the extent or reach of the Complainant's corporate name as of 2021 when the disputed domain name was registered. Furthermore, as previously indicated, present-day search results on their own are not necessarily evidence of anything other than that a party has taken steps (which can have been taken relatively recently) to ensure its website has been indexed by the engines concerned, and that its website content has been optimized for the corresponding search engine algorithms.

Finally, the fact that the Respondent might have approached an alleged partner of the Complainant in 2025, some four years after commencing trading, is not in and of itself indicative of registration or use in bad faith, particularly where the Complainant has not produced the email communication concerned.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds the third element of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

The Respondent's position is that the Complainant has attempted to misuse the Policy to harass a legitimate business, causing unnecessary stress and reputational harm to it. Nevertheless, the Complainant has demonstrated that it has held a domain name corresponding to its corporate name (and a close variant of the Respondent's name) for over two decades. Had it been able to show that it has used the domain name in commerce for the whole or even part of that period, and had demonstrated the extent and reach of a mark corresponding to that domain name with suitable independent evidence, for example along the lines anticipated by the [WIPO Overview 3.0](#), section 1.3, the outcome of this case might have been different. In all of these circumstances, the Panel considers that the failure of the Complaint arises most likely from want of evidence rather than the Complainant having acted deliberately in bad faith.

The Complaint shows that the Complainant is aggrieved by the fact that the Respondent, being an entity of a very similar name (and one incorporated in the comparatively recent past) has allegedly approached one of its trading partners. Despite the fact that the Respondent says that its business is primarily focused on India and Asia, the Complainant says that its trading partner is in Italy. These circumstances suggest that the

Complainant had at least a bona fide basis for the Complaint, even if it did not support it adequately in evidentiary terms. Notably, the Panel finds that the Complainant was entitled to put the Respondent to the proof on the question of whether the Respondent has been commonly known by a name corresponding to the disputed domain name, and to have the Panel consider whether any indicia of cybersquatting are present.

The Panel declines to find that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Andrew D. S. Lothian/*

**Andrew D. S. Lothian**

Sole Panelist

Date: September 12, 2025