

## ADMINISTRATIVE PANEL DECISION

Deerfos Co., Ltd. v. Mr. Mohsen Tavasolian

Case No. DIR2025-0008

### 1. The Parties

The Complainant is Deerfos Co., Ltd., Republic of Korea, represented by Saba & Co. Intellectual Property s.a.l. (Offshore) Head Office, Lebanon.

The Respondent is Mr. Mohsen Tavasolian, Iran (Islamic Republic of).

### 2. The Domain Names and Registry

The disputed domain names <deerfos-abrasives.ir> and <deerfosiran.ir> are registered with IRNIC.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2025. On September 8, 2025, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain names. On September 9, 2025, IRNIC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. Hard copies of the Complaint were received by the Center on September 9, 2025.

The Center verified that 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 September 17, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 7, 2025. On October 8, 2025, the Center notified the Respondent’s default.

The Center appointed Mihaela Maravela as the sole panelist in this matter on October 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**

According to information in the Complaint, the Complainant is a manufacturer in Republic of Korea founded in 1963 and specializing in coated abrasive products. The Complainant operates through production facilities in Republic of Korea and China, with processing and logistics centers in several countries, including the United States of America, Poland, India, Indonesia, Mexico, and Colombia. The Complainant serves over 80 countries worldwide.

The Complainant is the owner of various registered trademarks that consist of or include DEERFOS, such as the following:

- the Iranian Trademark Registration number 148103 for DEERFOS, registered on September 26, 2007, covering services in International Classes 35 and 39; and
- the European Union Trademark Registration number 005744611 for DEERFOS, registered on January 29, 2008, covering goods in International Class 3.

The Complainant's corporate website is available under the domain name <deerfos.com>.

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

The disputed domain names were registered by the Respondent on November 26, 2023. The Complainant claims that at the time of filing the Complaint, the disputed domain names were used in connection with websites that displayed the Complainant's trademark and logo and purported to represent or be affiliated with the Complainant, insofar as they displayed the Complainant's trademark and logo and apparently offered the Complainant's products or services for sale. The disputed domain name <deerfosiran.ir> is currently blocked, displaying a suspected phishing warning message.

Before commencing this procedure, the Complainant claims that it has sent a warning letter to the Respondent, but it appears no response was received.

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

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

The Complainant argues that the disputed domain names consist of the Complainant's well-known trademark DEERFOS in addition to "iran" in the disputed domain name <deerfosiran.ir> and "abrasives" in the disputed domain name <deerfos-abrasives.ir>. Adding "iran" or "abrasives" after DEERFOS does not, in any way, reduce the likelihood of confusion with the Complainant's trademarks.

As regards the second element, the Complainant argues that it had not authorized the Respondent to use its DEERFOS trademark in any way, neither as an organization name, nor as a domain name. The Respondent is not meeting the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), as the Respondent's websites give the false impression that the Respondent is affiliated with the Complainant's business. Moreover, the name of the Respondent bears no similarity to the DEERFOS trademark or any of the disputed domain names. Therefore, nothing in the Respondent's Whois information, or website, or record demonstrates that the Respondent is commonly known by the disputed domain names.

With respect to the third element, the Complainant submits that the disputed domain names were registered and are being used by the Respondent in bad faith given that the Respondent used the DEERFOS trademark of the Complainant in the disputed domain names to attract Internet users for commercial gain without any authorization from the Complainant, and without any rights or legitimate interests. This unauthorized use of the Complainant's trademark creates a likelihood of confusion among consumers and misleads them about the business relationship with the Complainant. The Respondent sells the Complainant's products on the websites at the disputed domain names, which increases the possibility of

confusing its business with the Complainant's and clearly proves that the Respondent was aware of the Complainant's trademark.

## **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 names are 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 names, and (iii) the disputed domain names have 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 names. 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 DEERFOS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the DEERFOS trademark is fully reproduced and remains clearly recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "iran" respectively "abrasives" and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 1.11.1.

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 names. 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 names.

Although the overall burden of proof in irDRP 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

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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.

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.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case demonstrating that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names, such as those enumerated in the Policy or otherwise.

According to the evidence provided in the Complaint, the Complainant has proved it holds rights over the trademark DEERFOS, and claims that the Respondent has no rights or legitimate interests to register or acquire the disputed domain names. The disputed domain names were or are used in connection with a website promoting purported DEERFOS branded goods or services, reproducing the Complainant's trademarks and logo. According to the unrebutted statements of the Complainant, the websites claim a connection between the Complainant and the website holder, without providing any disclaimer or accurate information regarding the relationship between the disputed domain names or its holder and the Complainant, or the lack thereof. Furthermore, the Complainant asserts that the Respondent is not an authorized distributor of its DEERFOS branded goods and services. Panels have held that the use of a domain name for illegitimate activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, even when a domain name comprises a trademark plus an additional term, irDRP panels have generally held that such a composition cannot constitute fair use if it effectively impersonates or implies sponsorship or endorsement by the trademark owner. A key factor in assessing fair use is whether the disputed domain name falsely implies affiliation with the Complainant's trademark. The disputed domain name <deerfos-abrasives.ir> incorporates the DEERFOS mark followed by the term "abrasives", separated by a hyphen, which is closely associated with the Complainant's business which specializes in coated abrasive products. The disputed domain name <deerfosiiran.ir> incorporates the DEERFOS mark followed by the term "iran", suggesting that the Respondent is a distributor of the Complainant in Iran (Islamic Republic of). Therefore, the Panel considers that the composition of the disputed domain names creates a risk of implied affiliation with the Complainant and its trademark. See section 2.5.1 of the [WIPO Overview 3.0](#).

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

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 names have been registered or are 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 names' registration and use in bad faith.

In the present case, the Panel notes that the disputed domain names were registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant's trademark predates the registration of the disputed domain names with over 15 years, and given also the composition of the disputed domain names, which reproduce the Complainant's trademark together with elements closely related to the Complainant (i.e., "abrasives" – which refers to the Complainant's line of business, respectively "iran" – alluding to the Respondent being a distributor of the Complainant's goods or services in Iran), and

being similar to the Complainant's domain name and trade name<sup>2</sup>. Further, the use of the disputed domain names, as described above, reinforces such finding.

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.

According to the unrebutted statements of the Complainant, the websites at the disputed domain names are or were being used to offer the Complainant's branded services without an authorization and without providing any disclaimer or accurate information regarding the relationship between the disputed domain names or its holder and the Complainant, or the lack thereof. Given that the disputed domain names include the Complainant's trademark, and the websites operated or which were operated under the disputed domain names prominently display the Complainant's trademark and logo, suggesting a false affiliation between the website holder and the Complainant, in this Panel's view, the Respondent has intended to attract Internet users accessing the website corresponding to the disputed domain names, who may be confused and believe that the website is held, controlled by, or somehow affiliated with or related to the Complainant, for the Respondent's commercial gain.

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 names.

The current passive holding of the disputed domain name <deerfosiran.ir> does not preclude a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3.

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 names <deerfos-abrasives.ir> and <deerfosiran.ir> be transferred to the Complainant.

*/Mihaela Maravela /*

**Mihaela Maravela**

Sole Panelist

Date: October 29, 2025

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<sup>2</sup> The Panel notes the misspelling of the Complainant's trade name in the Complaint, namely Deefros Co., Ltd, instead of Deerfos Co., Ltd., as it appears in the annexes to the Complaint.