

ADMINISTRATIVE PANEL DECISION

Chalmers Holdings Limited v. Janaka Visal Kumara Senevirathne
Wickramaarachchi Appuhamilage / Janaka Senevirathne
Case No. D2026-0651

1. The Parties

The Complainant is Chalmers Holdings Limited, United Kingdom, represented by James Chalmers, United States of America.

The Respondent is Janaka Visal Kumara Senevirathne Wickramaarachchi Appuhamilage / Janaka Senevirathne, Sri Lanka.

2. The Domain Name and Registrar

The disputed domain name <nicouae.com> is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2026. On February 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 16, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant but providing different contact details. The Center sent an email communication to the Complainant on February 18, 2026, 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 February 18, 2026.

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 February 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2026.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on March 19, 2026. 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 provides marine and industrial engineering services under the name “NICO International”. The business was established in Dubai in 1973 and has been operating since then, also opening offices in some other locations around the Middle East.

In 2001 the Complainant registered the disputed domain name and began promoting its business from the website to which the disputed domain name resolved.

On July 17, 2021, the Complainant registered two trademarks for NICO INTERNATIONAL in the United Arab Emirates:

- (1) Registered Trademark No 348005, which is registered in respect of ship repair services in International Class 37;
- (2) Registered Trademark No 348006, which is registered in respect of mechanical engineering services, electrical engineering services; consultancy services in relation to the same in International Class 42.

The Respondent was formally employed as the Complainant’s IT manager.¹ In that capacity, over the course of 2019, he transferred the disputed domain name into his own name.

- (a) On December 4, 2018, the Whois report recorded that the registrant was UAE NICO of Nico International of Dubai but changed the contact email addresses to what appear to be the Respondent’s personal email address;
- (b) On January 5, 2019, the Whois report recorded that the registrant had changed to Janaka Senevirathne, Nico International with the same email contacts;
- (c) On March 22, 2019, the Whois report recorded the registrant as Janaka Senevirathne of Silanve Tours in Colombo with the same email contacts;
- (d) From November 20, 2019, the Whois report has recorded that the registrant is Perfect Privacy LLC of Jacksonville, Florida. The email contacts changed to a privacy account email provided by Perfect Privacy LLC.

Notwithstanding these changes, although the disputed domain name is not registered in the Complainant’s name, the disputed domain name still redirects to the Complainant’s own website.

The Complaint includes some evidence that the Complainant has continued to pay fees associated with the website after the transfer of the disputed domain name into the name of the Respondent and his personal company, Silanve Tours.

The Respondent has successfully resisted attempts by the Complainant to have the registration of the disputed domain name transferred into the Complainant’s own name.

¹ According to a curriculum vitae provided by the Respondent in 2024 correspondence with the Complainant (included in Annex 9), the Respondent started work as the Assistant IT Manager – Infrastructure of NICO International in March 2008. It is not clear from the record when the Respondent ceased to be employed by the Complainant, or its Dubai operation. The Complaint does include evidence of some correspondence in May 2024 indicating that there were some communications at that time about the Respondent’s “exit”.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the 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; and
- (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.

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, (["WIPO Overview 3.1"](#)), section 1.7.

The Complainant has proven ownership of NICO INTERNATIONAL as a registered trademark. It seems likely that the Complainant has also generated some rights in <nicouae.com> as an unregistered trademark given the length of use. However, the Complaint does not include evidence of sales revenues or advertising expenditures or traffic to its website. See [WIPO Overview 3.1](#), section 1.3.

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 [WIPO Overview 3.1](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain ("gTLD") component as a functional aspect of the domain name system. [WIPO Overview 3.1](#), section 1.11.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's registered trademark without the word "international" but replacing it with "uae". As the Complainant points out, "UAE" is a widely used acronym for the United Arab Emirates, a location with which the Complainant is very closely associated as a result of its establishment in Dubai and its UAE trademark registrations. In addition, the word "international" in the Complainant's mark has a geographic significance. Accordingly, its omission from

the disputed domain name and the inclusion, or substitution, of “uae” does not preclude a finding of confusing similarity. See [WIPO Overview 3.1](#), section 1.8. Apart from anything else, the key, distinctive component of 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. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.1](#), section 2.1.

The disputed domain name is not derived from the Respondent’s name or, so far as the record shows, the name of any business the Respondent is associated with.

While the disputed domain name does resolve to a website promoting the Complainant’s business, the Respondent is no longer associated with the Complainant.

On the evidence before the Panel, the disputed domain name was originally registered in the Complainant’s name. The Complainant contends that, while he was its IT Manager and responsible on the Complainant’s behalf for managing (amongst other things) its domain names, the Respondent transferred the disputed domain name into his own name or the name of his company, Silanve Tours. According to the Complainant, the Respondent effected that transfer without the Complainant’s knowledge or permission. There is some evidence included in the Complaint that the Complainant continued paying fees associated with the website after the Respondent transferred the disputed domain name. Further, its LinkedIn, Facebook and YouTube accounts describe Silanve Tours as an inbound travel agency in Sri Lanka which does not appear to have

any connection with the services being promoted from the website to which the disputed domain name resolves.²

Given the Complainant's registration of the disputed domain name in 2001 and the Respondent's employment by the Complainant as its IT Manager or Assistant IT Manager from 2008, the fact that the disputed domain names were transferred into the Respondent's name before the Complainant registered its trademarks does not assist the Respondent in this case. See [WIPO Overview 3.1](#), section 3.8.2 (in the context of bad faith registration).

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

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.

Given the Respondent's role since 2008 as IT manager or assistant IT manager of the Complainant, the Respondent was plainly aware of the Complainant's trademark before the transfer of the disputed domain name into his own name or that of his company.

Although the Complainant's trademarks were not registered until 2021, the Respondent was plainly on notice of the Complainant's use of the trademark and the disputed domain name before he effected that transfer. See [WIPO Overview 3.1](#), section 3.8.2.

In the absence of any explanation by the Respondent, the inherent probabilities of the circumstances support the Complainant's contention that the Respondent effected the transfer without the Complainant's permission or other entitlement. The disputed domain name was closely connected with the Complainant's name and business before the transfer. Further, the Respondent and his company, Silanve Tours, have no connection with either the Complainant's business or the name NICO UAE or NICO INTERNATIONAL other than through the Respondent's former role as the Complainant's IT Manager. Further still, the Respondent and his company do not appear to have any involvement in marine and industrial engineering services of the kind being promoted from the website to which the disputed domain name resolves.

In these circumstances, the Panel finds that the Respondent registered the disputed domain name in bad faith. Ordinarily, an employee cannot simply appropriate the employer's property or rights without some sort of permission or prior entitlement. In the circumstances of this case, there can be no suggestion of prior entitlement as the Complainant was already using the name and the disputed domain name before the Respondent commenced employment with the Complainant, and the Complainant claims changes were made without the knowledge, consent, or authorization of the Complainant.

As the Complainant contends, allowing an independent third party such as the Respondent to control its domain name poses a significant threat to the security of the business. While the disputed domain name

² Identified by the Panel's own Internet search in the exercise of the powers conferred by paragraphs 10 and 12 of the Rules. See [WIPO Overview 3.1](#), section 4.8.

does resolve to the Complainant's website promoting its services, the Complainant cannot have any confidence that will always be the case.

The circumstances therefore are analogous to the situation outlined in paragraph 4(b)(iii) of the Policy:³

"[the Respondent has] registered the [disputed] domain name primarily for the purpose of disrupting the business of a competitor".

As already noted, the Respondent has to date allowed the disputed domain name to continue resolving to the Complainant's website. However, evidence in the Complaint shows that the Respondent made at least one attempt to reclaim control over the Complainant's Mindfire account. In addition, the Respondent directly intervened to block transfer of the disputed domain name by the Registrar to the Complainant.

Given the Respondent is wholly independent of the Complainant and has (on the evidence before the Panel) no rights or legitimate interests in the disputed domain name, the Panel finds that the Respondent's maintenance of control over the disputed domain name at the very least carries with it a threat to disrupt the Complainant's business. Accordingly, the Panel finds that maintenance of control, without any entitlement to the disputed domain name, constitutes use in bad faith of the disputed domain name.

Accordingly, the Complainant has established all three requirements under the Policy.

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 <nicouae.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: April 2, 2026

³ The circumstances outlined in paragraph 4(b) of the Policy are examples only and not an exhaustive statement: See *Do The Hustle, LLC v Tropic Web* WIPO Case No. [D2000-0624](#).