

ADMINISTRATIVE PANEL DECISION

Boxhub Inc. v. Mo Abdallah

Case No. D2022-4509

1. The Parties

The Complainant is Boxhub Inc., United States of America (“United States”), represented by Martin Dahlggaard Attorney P.C., United States.

The Respondent is Mo Abdallah, Saudi Arabia.

2. The Domain Name and Registrar

The disputed domain name <box-hub.com> is registered with Domain.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2022. On November 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 28, 2022, 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 Privacy Service FBO Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 2022 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 December 1, 2022.

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 December 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 5, 2023.

The Center appointed Marilena Comanescu as the sole panelist in this matter on January 10, 2023. 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 and its affiliated Danish company, Boxhub ApS, is in the business of selling, worldwide, shipping containers, both new and cargo-worthy and formerly used in the shipping and logistics industry, for storage and transport. The Complainant is furthermore involved in the provision of logistics and shipping related services, which services particularly include the provision of an integrated shipping service for the provision of containers to customers, and the provision of optimized shipping and logistics option to ensure delivery to their customers. Since late 2003, the Complainant has used the domain name <boxhub.com> to provide goods and services to its customers.

The Complainant owns trademark registrations for BOXHUB such as the following:

- the United States Registration no. 6467022, filed on August 31, 2020, registered on August 31, 2021, and covering goods in the International Class 6; and
- the European Union Trade Mark No. 018299291, filed on August 31, 2020, registered on December 22, 2020, and covering goods in the International Class 6.

The disputed domain name was registered on September 30, 2021, and, at the time of filing the Complaint, it resolved to a website providing various shipping and logistics-related goods and services.

Furthermore, on the website under the disputed domain name no disclaimer was posted. Internet users were directed to sign up for a newsletter, and if signing up for such newsletter there was no confirmation email and no unsubscribing option, and no direct printing of the information available on the website under the disputed domain name was possible.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name incorporates and is almost identical to its trademark BOXHUB, the Respondent has no rights or legitimate interests in the disputed domain name, and the Respondent registered and is using the disputed domain name in bad faith. The Complainant requests the transfer of the disputed domain name to it.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (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 the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the BOXHUB trademark.

The disputed domain name incorporates the Complainant's trademark in its entirety with a hyphen between the words "box" and "hub" composing the Complainant's trademark. However, such addition does not prevent a finding of confusing similarity as the Complainant's trademark is clearly recognizable within the disputed domain name.

Numerous UDRP panels have considered that the addition of other terms (whether geographical, descriptive, pejorative, meaningless or otherwise) to trademarks in a domain name does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

It is well established in decisions under the UDRP that the generic Top-Level Domain ("gTLD") (e.g., ".com", ".info", ".org") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark BOXHUB, pursuant to the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant asserts that the Respondent does not hold any rights, license, or authorization from the Complainant to use the trademark BOXHUB, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods or services.

Under the Policy, "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 section 2.1 of the [WIPO Overview 3.0](#).

There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain name or that the Respondent made a *bona fide* offering of goods or services or a legitimate noncommercial use under the disputed domain name.

According to the records before the Panel, the Respondent has used the disputed domain name in connection with a website providing goods and services similar to, and competing with, those offered by the Complainant.

The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case.

Furthermore, and without prejudice to the above, the nature of the disputed domain name, comprising the Complainant's trademark in its entirety, carries a high risk of implied affiliation. See section 2.5.1 of the [WIPO Overview 3.0](#).

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant holds trademark rights in BOXHUB since 2020 and the registration of the domain name <boxhub.com> since 2003.

The disputed domain name was registered in 2021, reproduces the Complainant's trademark with a slight alteration, by merely adding a hyphen, and resolves to a website which is used to promote similar and competing services as those offered by the Complainant.

From the above and the available record, the Panel finds that the disputed domain name was registered by the Respondent in bad faith, with knowledge of the Complainant and targeting its trademark.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the disputed domain name incorporates the Complainant's trademark and the website operated under the disputed domain name provides similar goods and services to those of the Complainant and has no disclaimer, in this Panel's view, the Respondent has intended to attract Internet users to the disputed domain name by creating a likelihood of confusion with the Complainant's trademark to suggest that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

Further, according to the evidence provided as Annex 6 to Complaint, Internet users accessing the website under the disputed domain name were invited to subscribe to a newsletter by providing potentially sensitive personal data, without having the option to further unsubscribe. Such data scraping could conceivably be used for potential illicit online activity and in the present circumstances is a further indication of bad faith.

The Respondent has not participated in the present proceedings in order to put forward any arguments in its favor and apparently provided false or incomplete contact details in the Whois. Such facts, together with all the other elements in this case, in the eyes of this Panel, further support a finding of bad faith.

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

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 <box-hub.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: January 24, 2023