

ADMINISTRATIVE PANEL DECISION

Branch of Idworks Interiors Incorporation LLC v. Intelligent Design Works Company

Case No. D2024-5036

1. The Parties

The Complainant is Branch of Idworks Interiors Incorporation LLC, Saudi Arabia, represented by Bonamark Limited, United Kingdom.

The Respondent is Intelligent Design Works Company, Saudi Arabia.

2. The Domain Name and Registrar

The disputed domain name <idworkglobal.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 December 6, 2024. On December 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 6, 2024, 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 (Domains by Proxy, LLC, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 2024, 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 12, 2024.

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 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. The Response was filed with the Center on December 30, 2024.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on January 20, 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 offers design and commercial space interior consultancy, engineering, fit out, furniture supply and installation, joinery and millwork for hotels, public and private facilities. The Complainant submitted an extract showing the Saudi Arabian Trademark Registration No. 1440026994 for IDWORKS, registered on June 16, 2019.

The Respondent submitted proof of its creation as a legal entity incorporated in the Kingdom of Saudi Arabia under the name “Intelligent Design Works Company” offering services similar to those offered by the Complainant. The Respondent submitted a certificate of Trademark Registration No. 1440026994 for IDWORKS, registered on June 16, 2019.

The disputed domain name was registered on September 29, 2023, and resolves to a website that seems to offer services similar to those offered by the Complainant and reproduces the Trademark IDWORKS.

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 contends that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The main element of the Complainant’s Trademark Registration No. 1440026994 is the word “idworks”. The disputed domain name incorporates the word “idwork” in its entirety. Eliminating the letter “s” is not noticeable. The term “global” does not add distinctiveness. The remaining elements of the Complainant’s Trademark Registration No. 1440026994 such as the chair design should be excluded from the comparison as they cannot be replicated in a domain name. The suffix “.com” may be disregarded.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its trademark and there is no relationship between the two of them. The Respondent is not commonly known by the disputed domain name. There is no legitimate noncommercial use nor a bona fide offering of goods or services or fair use.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent must have had knowledge of the Complainant’s trademark as it was registered few years before the registration of the disputed domain name and as the Complainant has been conducting its business through the domain <idworksglobal.com> since 2014. Also, the website to which the disputed domain name resolves reproduces the Complainant’s Trademark IDWORKS. The Respondent is using the disputed domain name in order to attract Internet users for profit by creating a false impression of connection with the Complainant.

B. Respondent

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

The Respondent contends that it is the owner of the Trademark Registration No. 1440026994 as it is registered in the name of Intelligent Design Works Company. The disputed domain name replicates the word element "idworks" of the said trademark registration. The Complainant's parent company is liquidated. The Respondent submits that its use of the disputed domain name is legitimate and validly reflects its owned trademark.

The Respondent contends that it is a legal entity duly incorporated and is the legitimate owner of the Trademark Registration No. 1440026994 and is making a legitimate commercial use of the domain name.

The disputed domain name was registered in good faith and reflects the Respondent's registered trademark. It is in fact the Complainant who is acting in bad faith and this is a case of reverse domain name hijacking.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant submitted an extract showing the Complainant's name as an applicant for the Saudi Arabian Trademark Registration No. 1440026994 for IDWORKS.

The Respondent is a legal entity incorporated in the Kingdom of Saudi Arabia under the name Intelligent Design Works Company (Annex 1). The Respondent submitted, in Annex 2, the Certificate of Trademark Registration No. 1440026994 for IDWORKS. As per the said certificate, the owner of the trademark is a company called "Intelligent Design Works", i.e., the Respondent.

Accordingly, the Complainant has not demonstrated any rights in the Trademark Registration No. 1440026994 for IDWORKS. Instead, such rights are vested in the Respondent.

The Panel finds the first element of the Policy has not been established. It is not necessary to examine the remaining elements.

The Panel notes that the Parties remain free to pursue their claims in court, should they consider that appropriate.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: February 3, 2025