

ADMINISTRATIVE PANEL DECISION

Otis Elevator Company v. Ibrahim Ghazali, Yegara HOST and Daniel Zewdu
(Operations Manager), Sky Elevator Manufacturing PLC
Case No. D2025-0342

1. The Parties

The Complainant is Otis Elevator Company, United States of America ("United States"), represented by Cantor Colburn LLP, United States.

The Respondent is Ibrahim Ghazali, Yegara HOST, Ethiopia and Daniel Zewdu (Operations Manager), Sky Elevator Manufacturing PLC, Ethiopia (see further below).

2. The Domain Name and Registrar

The disputed domain name <skyriselevator.com> (the "Disputed Domain Name") is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 28, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 29, 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 (REDACTED FOR PRIVACY (DT), Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 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 February 3, 2025 by the Center.

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 February 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2025. On January 30, 2025, an email was sent from the

Respondent, claiming it had registered the Disputed Domain Name on behalf of its client which it identified as “Sky Elevator Manufacturing PLC, Daniel Zewdu (Operations Manager).” The Complainant has requested in the amendment filing email dated February 3, 2025, to accept both the Respondents Daniel Zewdu (Operations Manager) and Sky Elevator Manufacturing PLC as the Respondents in this proceeding. Informal emails were received from Daniel Zewdu (Operations Manager) on February 10, 2025, and February 23, 2025. The February 23, 2025 email stated Mr. Zewdu to be “Deputy Manger SHANGLING ELEVATOR MANUFACRURING [sic] PLC”.

Accordingly, the Center notified the Commencement of Panel Appointment Process on February 28, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on March 7, 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 one of the world’s largest manufacturer of elevators, escalators, moving walkways and other moving products. The Complainant offers products and services through affiliated companies in over 200 countries and territories. 2.3 billion people every day move in or on one of the Complainant’s products and it maintains about 2.3 million customer units worldwide.

One of the Complainant’s product ranges is marketed under the brand name “Skyrise”. This range comprises the Complainant’s most advanced high-rise elevators which are well-known in the elevator and escalator industry. The Complainant has used the mark SKYRISE in connection with its goods and services continually since 2011.

The Complainant owns various trademark registrations for SKYRISE – see for example United States trademark registration No. 4572705 registered on July 22, 2014. These trademarks are referred to as the “SKYRISE trademark” in this decision.

The Disputed Domain Name was registered on November 29, 2023. It resolves to a website (the “Respondent’s Website”) which promotes the business of an entity described as “Skyrise Elevator Manufacturing PLC” which describes itself as a manufacturer and installer of elevators and escalators based in Ethiopia.

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. The Complainant contends that the Disputed Domain Name is confusingly similar to the SKYRISE trademark.

The Complainant further contends that it is unaware of any prior rights that the Respondent may have over the term “Skyrise”, nor of any relationship between it and the Respondent that would give rise to any authorization for the Respondent to own or use the Disputed Domain Name. The Respondent is not commonly known by the Disputed Domain Name. Moreover the Disputed Domain Name is being used to mislead consumers into believing that the Respondent’s Website is an official website of the Complainant or is approved by the Complainant, the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name.

Finally, the Complainant contends that the Respondent knew of the existence of its SKYRISE trademark given its fame, so that the Respondent registered the Disputed Domain Name in bad faith. According to the

Complainant, it is not possible to contemplate any use of the Disputed Domain Name that would not constitute an infringement of the Complainant's rights in its trademark. The Disputed Domain Name is being intentionally used to host a website that conveys the misleading impression that it is an official website of the Complainant, or is otherwise officially authorized, sponsored or endorsed thereby. These actions demonstrate an intention to unlawfully profit from the use of the Complainant's trademark or misdirect customer traffic from the Complainant's legitimate websites, thereby disrupting its business in violation of the Policy and Rules.

B. Respondent

On January 30, 2025, an email was sent from the Respondent Yegara HOST, claiming it had registered the Disputed Domain Name on behalf of its client which it identified as "Sky Elevator Manufacturing PLC, Daniel Zewdu (Operations Manager)."

On February 10, 2025, the Center received an email from Daniel Zewdu Teferi, asking for an explanation about the nature of the dispute, and stating that they are just advertising an elevator installation and maintenance service to their customers in Ethiopia. On February 23, 2025, another email was received from Daniel Zewdu Teferi, who in it described himself as "Deputy Manger SHANGLING ELEVATOR MANUFACRURING [sic] PLC. It read as follows.

"Dear Sir,

Thank you for bringing your concerns regarding the domain name skyriselevator.com to our attention. We take such matters seriously and would like to provide a clear and detailed response to the issues raised.

First and foremost, we would like to emphasize that the domain name in question was not copied or intentionally designed to infringe upon any existing rights. We have been using this domain name in good faith for legitimate marketing and business purposes in Ethiopia. Our use of the domain name is aligned with our brand identity and has been instrumental in promoting our services to our target audience.

Furthermore, we would like to highlight that the domain name was legally registered in Ethiopia, in full compliance with the applicable laws and regulations governing domain registrations in our country. We have invested significant time, effort, and resources into building our online presence under this domain, and it has become an integral part of our business operations.

Given the above, we are not willing to close or transfer the domain name, as it is a vital asset to our business and has been rightfully registered and used by us. We believe there is no basis for the claim that our domain name infringes upon any rights, as our use is legitimate, localized, and non-competing in nature.

We are open to further discussion and clarification if needed, and we hope to resolve this matter amicably. However, we remain firm in our position that the domain name is rightfully ours and will continue to be used in accordance with our legal rights.

Thank you for your understanding. Please feel free to reach out if you require any additional information or documentation to support our position".

The Panel will in its discretion treat this email as the Response. See below for a discussion of Respondent identity.

6. Discussion and Findings

Procedural Issues – Respondent Identity

The Complaint as originally filed identified a privacy service. Following Registrar verification "Ibrahim Ghazali, Yegara HOST" was identified as the Registrant. On January 30, 2025 an email was received by the

Center from an address at the domain name <yegara.com> which said that “Yegara Host (yegara.com) is a web design agency based in Ethiopia”. It said it had registered the Disputed Domain Name on behalf of its client and asked that its client be included in future communications. It provided its client’s details as being “Sky Elevator Manufacturing PLC, Daniel Zewdu (Operations Manager)” with an address in Ethiopia. The Complainant subsequently asked that as well as adding “Ibrahim Ghazali” and “Yegara HOST” as the Respondents that Sky Elevator Manufacturing PLC and Daniel Zewdu (Operations Manager) also be added as the Respondents. As appears above email correspondence was subsequently received from Daniel Zewdu Teferi who described himself as “Deputy Manger SHANGLING ELEVATOR MANUFACRURING [sic] PLC. It is not clear to the Panel who Shangling Elevator Manufacturing PLC is or how it relates to the identified Respondents. The Complainant says that SKYRISE ELEVATOR MANUFACTURING PLC claims to be a legal entity in Cambodia but its searches of Cambodian records have not identified any such entity. The Panel has been unable to locate whatever it is the Complainant is referring to as showing that SKYRISE ELEVATOR MANUFACTURING PLC claims to be a legal entity in Cambodia. A section entitled “Who We are” on the Respondent’s Website says that Skyrise Elevator Manufacturing is a “wholly foreign owned company elevator manufacturer”. As far as the Panel can see no details are given of who the foreign owner(s) may be. As best the Panel can determine, seeking to disentangle this state of affairs, the Respondent of record is “Ibrahim Ghazali, Yegara HOST”, but that the underlying substantive Respondent is its client Sky Elevator Manufacturing PLC acting through Daniel Zewdu its Operations Manager. Sky Elevator Manufacturing PLC is, or purports to be, an Ethiopian based entity. The term “Respondent” in this decision is used to include all of these persons other than SHANGLING ELEVATOR MANUFACRURING [sic] PLC.

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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 Name;
- (iii) the Disputed Domain Name has been registered and 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 Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has rights in the SKYRISE trademark. The Panel finds the Disputed Domain Name is confusingly similar to this trademark. Previous UDRP panels have consistently held that domain names are identical or confusingly similar to a trademark for purposes of the Policy “when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name” (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)). It is established that, where a mark is the distinctive part of a disputed domain name, the disputed domain name is considered to be confusingly similar to the registered mark (*DHL Operations B.V. v. DHL Packers*, WIPO Case No. [D2008-1694](#)).

It is also established that the addition of a term (such as the word “[e]levator”) to a disputed domain name has little, if any, effect on a determination of confusing similarity between the domain name and the mark (*Quixtar Investments, Inc. v. Dennis Hoffman*, WIPO Case No. [D2000-0253](#)); furthermore, mere addition of a term does not prevent a finding of confusing similarity under the first element (*PRL USA Holdings, Inc. v. Spiral Matrix*, WIPO Case No. [D2006-0189](#)).

It is also well established that the generic Top-Level Domain (“gTLD”), in this case “.com”, does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

- (i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent has been commonly known by the 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 domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the SKYRISE trademark. The Complainant has prior rights in the SKYRISE trademark which precede the Respondent’s acquisition of the Disputed Domain Name. The Complainant has therefore established a prima facie case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The content of the Respondent’s Website appears to indicate that it is operating a genuine business directed at the manufacture and/or supply of elevators in Ethiopia. Clearly in these circumstances paragraph 4(c)(i) is potentially applicable. The only issue then is as to the meaning of “bona fide”. It seems to the Panel that paragraph 4(c)(i) cannot simply apply if a business exists which has deliberately adopted another person’s trademark as its name, otherwise the Policy would be inapplicable to all cases in which a respondent was operating a business, which is clearly not its intention. The words “bona fide” must encompass the Respondent’s knowledge and motives in choosing the name in question – if done deliberately to trade off, or take advantage of the Complainant’s name or reputation, then the “bona fide” requirement is not met.

In the present case the Respondent has included the Complainant’s SKYRISE trademark as part of its name and as part of the Disputed Domain Name. The Panel does not think it likely that this is coincidental. The Panel notes that the manufacturing and installation of elevators and escalators is a highly specialized business requiring a significant level of experience and expertise. It seems to the Panel likely that anyone with the ability to undertake such a business will inevitably be aware of the Complainant and its product range, given the Complainant’s world leading position. The Panel considers it highly likely that the Respondent was aware of the Complainant and its SKYRISE trademark, and that it chose the Disputed Domain Name precisely because it suggested a connection with the Complainant. Absent any credible evidence to the contrary (and none has been provided) the Panel concludes the Respondent deliberately adopted a domain name which suggested a connection with the Complainant. The Panel accordingly concludes that the Respondent’s business was not bona fide and not within the terms of paragraph 4(c)(i) of the Policy

So far as paragraph 4(c)(ii) is concerned the Panel does not consider that a respondent who deliberately adopts a name which corresponds to, or is similar to, that of a complainant, with a view to taking advantage

of that complainant's fame and reputation, can then take advantage of an "own name" provision to justify its actions. The right to use one's own name is not unlimited and cannot be used to circumvent well known prior rights in a similar name – see for example *Peter Frampton vs. Frampton Enterprises, Inc.*, WIPO Case No. [D2002-0141](#).

More fundamentally it should be noted that what paragraph 4(c)(ii) of the Policy requires is that the Respondents demonstrate by evidence that they are commonly known as the Disputed Domain Name. No evidence at all to this effect has been produced by the Respondent. The position is further confused by the email (see above) from the Respondent Daniel Zewdu describing himself as "Deputy Manger SHANGLING ELEVATOR MANUFACRURING. This raises considerable confusion as to the identity and name of the Respondent.

Further even if the Respondent had reached an audience that was familiar with the Respondent's name (for example a local audience, or through advertising), that would not necessarily alter the fact that the Respondent's intention in adopting the Disputed Domain Name was to take an unfair advantage in relation to the Complainant's trademark. The Panel does not consider that a legitimate interest arises in those circumstances. Overall the Panel does not consider that the Respondent has shown it is within the terms of paragraph 4(c)(ii) of the Policy.

Paragraph 4(c)(iii) of the Policy cannot apply as the Respondent's activities are clearly commercial in nature.

The Respondent has in effect said its adoption of the Disputed Domain Name is legal in Ethiopia. That may or may not be true but is irrelevant. The question is whether its activities are within the scope of the Policy. That is not something the Response addresses. As a result the Panel finds that the Respondent has failed to produce any evidence to establish its rights or legitimate interests in the Disputed Domain Name. Accordingly the Panel finds the Respondent has no rights or any legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

C. Registered and Used in Bad Faith

In the present circumstances the fact that the Disputed Domain Name was redirected to a website which provided services which compete with the Complainant leads the Panel to conclude the registration and use were in bad faith.

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

In the present circumstances the Panel agrees with the Complainant that factor (iv) applies as the Respondent was seeking to attract customers by using the Disputed Domain Name which suggested it was, or had some sort of connection or affiliation with, the Complainant. The Panel notes that the manufacturing and installation of elevators and escalators is a highly specialized business requiring a significant level of experience and expertise. The Panel considers it highly unlikely that the Respondent was unaware of the Complainant and its SKYRISE trademark, and that it chose the Disputed Domain Name precisely because it suggested a connection with the Complainant. The Panel notes that the Respondent's explanation (above) focuses on the claimed legality of its actions under Ethiopian law, but does not include any sort of claim to independent derivation of the Disputed Domain Name.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith and the third condition of paragraph 4(a) of the Policy has been fulfilled.

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 <skyriselevator.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: March 21, 2025