

ADMINISTRATIVE PANEL DECISION

DP World FZE v. Paul Msabaha, Kiliweb Services
Case No. D2025-0372

1. The Parties

The Complainant is DP World FZE, United Arab Emirates, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Paul Msabaha, Kiliweb Services, United Republic of Tanzania.

2. The Domain Name and Registrar

The disputed domain name <dpworldtanzania.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 30, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 1, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 28, 2025.

The Center appointed R. Eric Gaum as the sole panelist in this matter on March 6, 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 provides smart logistics solutions with its history dating back to 1972. The Complainant owns numerous trademark registrations in different jurisdictions for the mark DP WORLD, listed below:

- DP WORLD – registered on January 31, 2013, in the Organisation Africaine de la Propriété Intellectuelle (OAPI), under registration numbers 1/072131 and 1/072132, providing protection in all OAPI member states.
- DP WORLD – registered on August 15, 2013, in Mozambique with the Mozambique Industrial Property Institute (IPI), under registration number 2013/023301.
- DP WORLD – registered on April 4, 2024, in the United Republic of Tanzania (“Tanzania”) with the Business Registration and Licensing Agency (BRELA) under the Ministry of Industry and Trade (MIT), under application number TZ/S/2024/581.

The Complainant also owns and operates the domain name <dpworld.com> registered in 2002.

The disputed domain name was registered on June 12, 2023. The disputed domain name redirects to GoDaddy.com page offering it for sale at the price of USD 7,200.

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 the following:

By virtue of its trademark and service mark registrations, Complainant is the owner of DP WORLD trademark. The disputed domain name incorporates the Complainant’s DP WORLD trademark in its entirety while merely adding the geographically descriptive term “Tanzania” to such trademark, thus rendering the disputed domain name confusingly similar to this trademark. The Respondent’s use of this geographical term in conjunction with the Complainant’s trademark only serves to underscore and increase the confusing similarity between the disputed domain name and the Complainant’s trademark as this specific term is closely linked and associated with the Complainant. More specifically, in June 2023, the Complainant reached a deal with the Tanzania Ports Authority (TPA), to modernize the port’s infrastructure which was announced in various media outlets. The Respondent’s removal of spaces does nothing to distinguish the disputed domain name from the Complainant’s trademarks.

The granting of registrations to the Complainant for the DP WORLD trademark is prima facie evidence of the validity of the term “dp world” as a trademark, of the Complainant’s ownership of this trademark, and of the Complainant’s exclusive right to use the DP WORLD trademark in commerce on or in connection with the goods and/or services specified in the registration certificates.

The Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant’s trademarks in any manner, including in a domain name.

The Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests. Furthermore, the Complainant has not licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant’s trademark. In the instant case, the pertinent Whois information identifies the Registrant as “Paul Msabaha / Kiliweb Services”, which does not resemble the disputed domain name in any manner.

The Respondent is using the disputed domain name to redirect Internet users to a GoDaddy.com website where the Respondent is offering to sell the disputed domain name. Furthermore, historical screenshots of the disputed domain name's website show the Respondent has only ever used the disputed domain name to redirect to sale pages, first at Dan.com and now at GoDaddy.com. The amount for which the dispute domain name is being offered for sale (USD 7,200) exceeds the Respondent's out-of-pocket expenses in registering the disputed domain name, which serves as further evidence of the Respondent's lack of rights and legitimate interests.

The Respondent registered the disputed domain name on June 12, 2023, which is significantly after the Complainant filed for registration of its DP WORLD trademark with the OAPI, and Mozambique IPI. This registration date also falls significantly after the Complainant's first use in commerce of its trademark in 1972. Additionally, the Complainant registered its primary domain name <dpworld.com> on March 26, 2002, which is decades prior to the Respondent's registration of the disputed domain name on June 12, 2023.

The Complainant and its DP WORLD trademark are known internationally, with trademark registrations across numerous countries. The Complainant has marketed and sold its goods and services using this trademark since 1972, which is well before the Respondent's registration of the disputed domain name on June 12, 2023.

At the time of registration of the disputed domain name, the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks and that registration of a domain name containing well-known trademarks constitutes bad faith per se.

In addition to the numerous trademarks filed in connection with the Complainant's business prior to the Respondent's registration of the disputed domain name, the Complainant operates a network of 500 business units in more than 74 countries across six continents, and which demonstrates the Complainant's fame. Further, performing searches across a number of Internet search engines for "dp world tanzania" returns multiple links referencing the Complainant and its business.

The Respondent registered the disputed domain name within 10 days after numerous publications announced that the TPA and the Complainant had reached a deal to modernize the Tanzania port's infrastructure, which strongly suggests that the Respondent knew of the Complainant and only registered the disputed domain name in response to the publicity generated and received by the Complainant.

The Complainant first tried to contact the Respondent on September 18, 2024, through a cease and desist letter sent by email. The Complainant advised the Respondent that the unauthorized use of the DP WORLD trademark within the disputed domain name violated the Complainant's rights in said trademark and requested voluntary transfer of the same. The Respondent initially replied stating the disputed domain name had been registered as a premium domain for sale, and it was not being used to host any content or services. The Respondent then proceeded to offer the disputed domain name for transfer, but in exchange for the payment of USD 7,200. The Respondent further claimed there was no infringement on the Complainant's intellectual property, explaining that the term "DP" stands for "Dagaa Poa" which is Swahili for "Fresh Seafood", referring to a potential business related to seafood, and not the Complainant's DP World. Additional research was conducted but the Complainant could find no evidence, neither in the record nor online, to backup the Respondent's claims.

B. Respondent

Apart from the prior Complaint communications with the Complainant, the Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is 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, "tanzania", 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 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 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 that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

The un rebutted record demonstrates that Respondent is using the disputed domain name to redirect Internet users to a website where the Respondent is offering to sell the disputed domain name for USD 7,200, and that it has apparently only ever used the disputed domain name to redirect to sale pages. As such, the Respondent has failed to make use of this disputed domain name for a bona fide offering for any goods or services, which is evidence of a lack of rights or legitimate interests in the disputed domain name.

Nor is there any evidence in the record that indicates that the Respondent has ever been commonly known by the disputed domain name or has ever had any noncommercial legitimate or fair use of the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent is currently offering to sell the disputed domain name for USD 7,200. It is well established that seeking to profit from the sale of a confusingly similar domain name that incorporates a third party's trademark demonstrates bad faith. See *Groupe Auchan v. Bui Tan Dat / Domain ID Shield Service Co., Limited*, WIPO Case No. [D2014-1935](#) ("The Panel cannot find any justification for the registration and use of the disputed domain name in such circumstances except to find that the Respondent registered and is using the disputed domain name for the purpose of selling the disputed domain name for valuable consideration in excess of the Respondent's documented out-of-pocket costs and/or to disrupt the Complainant's business."). See also *Caldsoft Way3D Sistemas Eireli EPP v. Jinsoo Yoon*, WIPO Case No. [D2016-2514](#) (finding bad faith where the registrant is "simply offers the disputed domain name for sale").

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Complainant first tried to contact the Respondent on September 18, 2024, through a cease and desist letter sent by email. The Respondent initially replied stating the disputed domain name had been registered as a premium domain for sale, and it was not being used to host any content or services. The Respondent then proceeded to offer the disputed domain name for transfer in exchange for USD 7,200. The Respondent further claimed there was no infringement on the Complainant's intellectual property rights, explaining that the term "DP" stands for "Dagaa Poa" which is Swahili for "Fresh Seafood", referring to a potential business related to seafood, and the disputed domain name is not related to the Complainant's DP World. The Panel notes from the case record that in June 2023, the Complainant reached a deal with the TPA, to modernize the port's infrastructure in Tanzania which was announced in various media outlets. The earliest media coverage evidence provided by the Complainant was an article published online on June 6, 2023, several days earlier than the registration date of the disputed domain name of June 12, 2023.

On balance of the facts set forth above, and considering the history and fame of the Complainant's mark, the Panel finds that it is more likely than not that the Respondent knew of and targeted the Complainant's trademark, and the Respondent has registered and used the disputed domain name in bad faith. The composition of the disputed domain name, the timing of its registration, the fact that the disputed domain name has been listed for sale since at least November 2023 (five months after registration) and the Respondent's convenient response to the Complainant's cease and desist letter all lead to the conclusion that the Respondent most likely targeted the Complainant and its DP WORLD trademark. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#) ("the Panel makes its finding regarding bad faith registration by asking whether it is more likely than not from the record of the evidence in the proceeding that Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.").

The Panel finds that the Complainant has established the third element of 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 <dpworldtanzania.com> be transferred to the Complainant.

/R. Eric Gaum/

R. Eric Gaum

Sole Panelist

Date: March 20, 2025