

## **ADMINISTRATIVE PANEL DECISION**

Nadia's Initiative v. an nahal  
Case No. D2025-0379

### **1. The Parties**

The Complainant is Nadia's Initiative, United States of America, represented by Cole-Frieman & Mallon, LLP, United States of America.

The Respondent is an nahal, Indonesia.

### **2. The Domain Name and Registrar**

The disputed domain name <nadiamurad.org> 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 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 3, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 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 amended Complaint on February 4, 2025.

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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 3, 2025.

The Center appointed John Swinson 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 is an organization with an address in Washington DC. Nadia Murad is the president and chairwoman of the Complainant. Ms. Murad is a human rights activist and 2018 Nobel Peace Prize laureate known for her advocacy for survivors of genocide and sexual violence. A survivor of the Yazidi genocide at the hands of ISIS in 2014, Ms. Murad was held captive by the group before escaping and becoming a global voice for her community. Her memoir, *The Last Girl*, details her experiences and the broader atrocities against the Yazidis.

Ms. Murad has held various significant roles, including as the first UNODC Goodwill Ambassador for the Dignity of Survivors of Human Trafficking, and she was awarded several prestigious human rights honours, such as the Václav Havel Award and the Sakharov Prize.

Ms. Murad was appointed a UN Sustainable Development Goals Advocate.

Ms. Murad has registered and operates several social media accounts under her name, which have many subscribers and followers.

Ms. Murad has founded a nonprofit organization, under her name, which has received international acclaim and recognition.

Ms. Murad is the registrant of the domain name <nadiasinitiative.org>, which was created on December 24, 2017.

The Respondent did not file a Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in Indonesia.

The disputed domain name was registered on June 10, 2016.

At the present time, the disputed domain name resolves to a blog website that has the heading and title "Nadia Murad" and relates to the provision of travel services in Indonesia. It shows potential destination information, but does not appear to allow a consumer to make bookings and has no contact details for the operator of the website. The website includes links to potential travel providers, e.g. a bus company. The website is mostly in Indonesian.

#### **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 Complainant established common law trademark rights to Nadia Murad as a distinctive identifier associated with the Complainant's human rights work. For example, Nadia Murad's memoir, *The Last Girl: My Story of Captivity, and My Fight Against the Islamic State*, was published in 2017 and quickly became a New York Times bestseller.

The Respondent has chosen to use a domain name that is practically identical with the Complainant's common law trademark.

The Respondent's use of the disputed domain name directs Internet traffic, searches, and business away from Ms. Murad and her brand. The Respondent's use of the disputed domain name creates a significant risk that the public will wrongfully presume that the Complainant and the Respondent are the same company.

The Respondent's usage of the Complainant's trademark (and personal name) in the disputed domain name is an attempt to gain credibility for the services offered by misleading users into believing there is an association with the trademark owner.

Due to the exact copy of the Complainant's name and trademark, the Respondent knew or should have known of the trademark at the time of registration of the disputed domain name.

The incorporation of a well-known trademark in a domain name without plausible explanation is in itself an indication of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

### **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 Panel finds the Complainant and Nadia Murad have established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Complainant and Nadia Murad are closely associated.

Famous and well-known public figures using their name a trademark-like identifier in trade and commerce can have a common law trademark in their public name. See *Julia Fiona Roberts v. Russell Boyd*, WIPO Case No. [D2000-0210](#); *Van Morrison and Exile Productions Limited v. Unofficial Club de Van Morrison*, WIPO Case No. [D2002-0417](#); *Nicole Kidman v. John Zuccarini d/b/a Cupcake Party*, WIPO Case No. [D2000-1415](#); *Robert Downey Jr. v. Mercedita Kyamko*, WIPO Case No. [D2004-0895](#); *Victoria Beckham v. Whoisguard Protected, WhoisGuard, Inc.*, WIPO Case No. [D2015-2229](#). See also [WIPO Overview 3.0](#), section 1.5.

A politician or activist can rely on common law trademark rights in their name for domain name disputes under the Policy if they can demonstrate that their name is used as a distinctive identifier in commerce, beyond just political activities.

In the present case, Nadia Murad has published a book and operates a nonprofit organization (the Complainant), and thus uses her name in trade and commerce as an identifier for such goods and services that she provides under her name. The Panel finds common law trademark rights in the personal name “Nadia Murad” for the purposes of the Policy.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Other than using heading and title “Nadia Murad” on the website at the disputed domain name, there is no evidence of use of the disputed domain name by the Respondent. The use of “Nadia Murad” as the heading and title of the website at the disputed domain name appears to the Panel not to be bona fide use of “Nadia Murad” but rather is bad faith use as discussed below in relation to the third element of the Policy. Such use by the Respondent does not confer rights or legitimate interests in the disputed domain name on the Respondent.

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.

Nadia Murad is a relatively distinctive name.

Nadia Murad and her charity (the Complainant) are well-known. The Panel concludes that it was not a coincidence that the Respondent used “Nadia Murad” in the disputed domain name, but rather, that the disputed domain name was selected by the Respondent because of the fame and reputation of Ms. Murad.

In the present case, the Respondent has used “Nadia Murad” on the website at the disputed domain name for no apparent legitimate purpose. The Panel concludes that use of “Nadia Murad” by the Respondent was to attract visitors to the website at the disputed domain name who were searching for Ms. Murad and/or the Complainant.

The Panel infers that the Respondent intended to give an overall impression that the disputed domain name is associated with Ms. Murad and/or the Complainant. See *Aston Merrygold v. Martyn O'Brien*, WIPO Case No. [D2014-1462](#).

The Respondent has not come forward with evidence to demonstrate any good faith use or intended use of the disputed domain name.

In the circumstances, the Complainant has made out the requirements of paragraph 4(a)(iii) of the Policy.

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 <nadiamurad.org> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: March 20, 2025