

ADMINISTRATIVE PANEL DECISION

onPeak, LLC v. fahd arafat, exhibits and hotel booking
Case No. D2025-0552

1. The Parties

The Complainant is onPeak, LLC, United States of America ("United States"), represented by Squire Sanders (US) LLP, United States.

The Respondent is fahd arafat, exhibits and hotel booking, Egypt.

2. The Domain Name and Registrar

The disputed domain name ("Domain Name") <onpeakllc.com> is registered with eNom, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 12, 2025. On February 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 12, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 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 14, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2025. On February 19, 2025, a third party sent an email communication to the Center. The Respondent did not submit any response. On March 12, 2025, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed Marina Perraki as the sole panelist in this matter on March 19, 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. Procedural Issue - Identity of Respondent

On February 19, 2025, a person sent an email communication to the Center stating that their office received the Complaint.

It also stated that they do not possess any of the records that are being requested and that they are a corporate registered agent representing “entities across the country by receiving legal Correspondence and Service of Process on their behalf.” Therefore, the Respondent may be one of their clients in that case the Complaint should be reissued and directed towards the entity’s registered agent address listed with the Secretary of State.

Given that the named Respondent is listed as the registrant of the Domain Name as confirmed by the Registrar, in these circumstances, the Panel finds that it is the correct Respondent as the holder of the Domain Name registration (see paragraph 1 of the Rules).

5. Factual Background

The Complainant was founded in 1984 and has been active in the hotel accommodations and large-scale events industries for over four decades. The Complainant is a subsidiary of Global Experience Specialists, LLC (“GES”) and provides services such as convention housing, event housing management, a proprietary hotel reservation system, comprehensive block management and targeted exhibitor outreach. The Complainant has established long-term partnerships with organizations, such as the American Heart Association, the National Restaurant Association and the American Association for Justice. The Complainant maintains its website at “www.onpeak.com”.

The Complainant owns the United States trademark registration No. 5185087, ONPEAK (figurative), filed on August 10, 2016, and registered on April 18, 2017, for services in International class 43.

The Domain Name was registered on March 12, 2024. At the time of filing of the Complaint, the Domain Name led to a website (“the Website”), prominently displaying the Complainant’s trademark and mimicking the website of the Complainant, purportedly offering similar services. The Website contained copied content from the website of the Complainant, including entire paragraphs on intelligence support, expert contracting, optimal integration, strategic management, and the FAQ section, while the Respondent falsely stated that it is associated with the Complainant. The Respondent was referring to itself in the “Sharing Your Information” section of the Website as affiliated with the GES companies. The Website also included a “Pay Now” webpage, which asked consumers to “Pay Your Invoice.”

The Domain Name currently leads to a pay-per-click (“PPC”) webpage with blocked content and the indication “Copyright © onpeakllc.com”. Prior to that it led to an inactive website.

The Complainant sent a cease and desist letter on January 27, 2025, to which the Respondent did not reply.

6. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

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

7. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the Domain Name:

- (i) the 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 Domain Name; and
- (iii) the 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. 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 entirety of the mark is reproduced within the Domain Name. Accordingly, the 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, the letters "llc", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" is disregarded in the case, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#), see also [WIPO Overview 3.0](#), section 1.11.1).

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 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 Domain Name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

There is no evidence on record giving rise to any rights or legitimate interests in the Domain Name on the part of the Respondent within the meaning of paragraphs 4(c)(ii) and 4(c)(iii) of the Policy.

In addition, the nature of the Domain Name, consisting of the Complainant’s trademark in its entirety with the term “llc” corresponding to the Complainant’s name carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1).

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.

Because the ONPEAK mark had been used and registered before the Domain Name registration, the Panel finds it more likely than not that the Respondent had the Complainant’s mark in mind when registering the Domain Name.

Moreover, the reproduction in its entirety of the Complainant’s mark in the Domain Name, reinforces the notion that the Respondent was aware of and intentionally targeted the Complainant in an attempt to confuse Internet users who were expecting to find the Complainant’s website.

As regards bad faith use of the Domain Name, the Complainant has demonstrated that the Domain Name was used to resolve to the Website, which mimicked that of the Complainant, prominently displaying the Complainant’s registered trademark, thereby giving the false impression that it is operated by the Complainant. The Domain Name was therefore used to intentionally create a likelihood of confusion with the Complainant’s trademark and business as to the source, sponsorship, affiliation, or endorsement of the website it resolved to. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng*, *Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4).

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Domain Name constitutes bad faith under the Policy.

The Domain Name currently directs Internet users to a PPC page with blocked content, while previously it led to an inactive website.

These, in view of the finding that the Respondent has no rights to or legitimate interests in the Domain Name, and in the circumstances of the case, affirm the bad faith (*Aygaz Anonim Şirketi v. Arthur Cain*, WIPO Case No. [D2014-1206](#); [WIPO Overview 3.0](#), section 3.1).

Under these circumstances and on this record, the Panel finds that the Respondent has registered and is using the Domain Name in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

8. 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 <onpeakllc.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: April 2, 2025