ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Apollo Tyres Limited v. Domain Administrator, ARI Network Services
Case No. D2025-0614

1. The Parties

The Complainant is Apollo Tyres Limited, India, represented by Saikrishna & Associates, India.

The Respondent is Domain Administrator, ARI Network Services, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <apollotire.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 15, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 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 24, 2025. In response to the Center's email regarding the selection of mutual jurisdiction, the Complainant filed another amended Complaint on February 28, 2025.

The Center verified that the Complaint together with the amended Complaints 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 March 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 28, 2025. Due to an apparent issue with the notification, on April 4, 2025, the Center granted the Respondent until April 10, 2025, to indicate whether it would like to participate to this proceeding. No communication was received from the Respondent. The Center confirmed the Respondent's default on April 11, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 15, 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 was established in 1972 in India and became a leading international tyre manufacturer, selling its APOLLO tyres in 100 countries over the world and counting with a turnover of USD 2.3 billion.

The Complainant owns and operates the domain names <apollotyres.com> (registered on March 4, 1998) and <apollotires.us> (registered on May 31, 2018), as its official websites. In addition to hundreds of other trademark registrations (Annexes 6 and 7 to the Amended Complaint), the Complainant is the owner of the following trademark registrations:

- United States Trademark Registration No. 2,468,681 for the mark APOLLO, in class 12, filed on January 28, 1998, and registered on July 17, 2001 with a first use of July 10, 1989, subsequently renewed; and

- India Trademark Registration No. 383045 for the mark APOLLO, in class 12, registered since November 13, 1981, subsequently renewed.

The disputed domain name was registered on November 14, 2003, and resolves to a parked webpage displaying Pay-Per-Click ("PPC") links.

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 asserts to have adopted the APOLLO trademark in connection with tyres in 1972 and since then grown to be one of the most popular brands for tyres in India and globally, having its APOLLO branded products been extensively publicized on various social media platforms, in addition to relevant marketing campaigns such as that of 2012 in which the Complainant partnered with the football club Manchester United as their global tyre partner.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's well-known APOLLO trademark, containing the APOLLO trademark in its entirety, simply adding the generic term "tire", descriptive of the Complainant's products, what does nothing to alleviate the confusing similarity between the disputed domain name and the Complainant's trademark.

Furthermore, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name given that:

(i) the Respondent has no proprietary or contractual rights in the Complainant's trademark APOLLO in whole or in part;

(ii) the Respondent has registered the disputed domain name incorporating a term which is identical to the Complainant's prior registered and used trademark, without the Complainant's consent or authorization and with no rights or legitimate interests with respect of the disputed domain name;

(iii) the Respondent is not commonly known by the disputed domain name, nor does the Respondent engage in any business or commerce under the trademark and/or trade name APOLLO; and

(iv) by using the disputed domain name to redirect Internet users to a PPC or monetized parking page that includes links for products related to the Complainant and/or the APOLLO trademark, the Respondent has failed to create a bona fide offering of goods or services under the Policy, or a legitimate noncommercial or fair use of the disputed domain name.

Moreover, the Complainant points out that given that the APOLLO trademark is a well-known trademark, it is implausible that the Respondent was unaware of the Complainant when registering the disputed domain name. Also, according to the Complainant, given the fame of the Complainant's trademark, there was opportunistic bad faith on the Respondent's side when registering the disputed domain name. As to the use of the disputed domain name in bad faith the Complainant contends that using a domain name in connection with a monetized parking page under the circumstances present here constitutes bad faith, and the impossibility to identify any good faith use to which the disputed domain name may be put.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(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 Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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 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.

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 Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain name. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent that the Respondent has not been commonly known by the disputed domain name, and neither has the Complainant given its consent or authorization for the Respondent to register the disputed domain name.

Also, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible link between the Respondent and the Complainant that could be inferred from the details known of the Respondent or the webpage relating to the disputed domain name, corroborate with the Panel's finding of the absence of rights or legitimate interests.

Furthermore, the disputed domain name incorporates the APOLLO trademark with the term "tire" which is linked to the Complainant's products, such composition leads to the suggestion of an endorsement by the Complainant as Internet users could expect the products of the Complainant on the webpage resolving from the disputed domain name. Therefore, the Respondent's use of the disputed domain name cannot be considered fair as it carries a risk of implied affiliation with the Complainant.

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.

The registration and use of the disputed domain name in bad faith are further corroborated in the present case in view of the following circumstances:

(i) the composition of the disputed domain name associating the Complainant's trademark with the term closely related to the Complainant's products and the confusing similarity between the disputed domain name and said trademark indicate that the Respondent is most likely to have the Complainant and its trademark in mind when registering the disputed domain name;

(ii) the disputed domain name has been used in connection with a parked webpage displaying PPC links related to the products offered by the Complainant and likely generating revenues to the Respondent; and

(iii) the indication, according to the courier service for delivering the Written Notice, that the entity located at the physical address provided by the Respondent in its registration data appears to be a third party (not the Respondent).

For the reasons stated above, the Respondent's conduct amounts, in this Panel's view, to bad faith registration and use of the disputed domain name.

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 <apollotire.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/
Wilson Pinheiro Jabur
Sole Panelist
Date: April 29, 2025