

ADMINISTRATIVE PANEL DECISION

Azira LLC v. LION

Case No. D2025-0939

1. The Parties

The Complainant is Azira LLC, United States of America ("United States"), represented by James Kuan, United States.

The Respondent is LION, Thailand.

2. The Domain Name and Registrar

The disputed domain names <azira.agency>, <azira.pro>, and <azira.work> are registered with Dominet (HK) Limited. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 7, 2025. On March 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 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 (Azira.pro, Azira.work, Azira.agency Rahul G) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 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 March 27, 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 March 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on April 29, 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.

On May 2, 2025, the Panel issued Administrative Panel Procedural Order No. 1 to the Parties, in which the Panel noted that the Complainant had erroneously listed an incorrect registrar in the Complaint (which may inter alia impact communications, verification, locking, expiration, decision implementation, mutual jurisdiction), and accordingly, requested the Complainant to amend the relevant information by May 7, 2025. On May 6, 2025, the Complainant filed an amended Complaint reflecting the correct Registrar.

4. Factual Background

According to the Complaint, the Complainant is a limited liability company with offices located globally in France, India, Australia, Singapore, New Zealand, and the United States. The Complainant states that its business delivers actionable insights on consumer behavior at a global scale and has some 500 clients worldwide in the adtech business and digital advertising industry. The Complainant's official website is found at "www.azira.com".

The Complainant claims rights in a pending trademark application, citing its application to the United States Patent and Trademark Office ("USPTO") for the mark AZIRA, filed on March 28, 2024, serial number 98473689. This mark has not yet proceeded to grant.

The Complainant also claims unregistered trademark rights in the mark AZIRA based upon the extent of its trading using the name, and its following on social media. For example, the Complainant's LinkedIn page states that it was founded in 2012, has 26,247 followers, and between 201 and 500 employees. The entry goes on to confirm the Complainant's various global offices and provides directions to them. The Complainant also provides a link to its Facebook page, which features the Complainant's principal office location and notes 2,600 "likes" and 2,600 followers. Finally, the Complainant provides a link to its page on <x.com> (formerly Twitter) which shows that it joined the said site in July 2015 and has 1,809 followers.

According to relevant records, the disputed domain names were registered within seconds of one another on May 20, 2024. Little is known of the Respondent, which has not participated in the administrative proceeding, apart from the fact that it appears to be based in Thailand. The Respondent has provided an incomplete/incorrect contact address to the Registrar in respect of each of the disputed domain names whereby it repeats the city "Bangkok" in each of the address fields.

Based on the Complainant's screenshots, the websites associated with the disputed domain names appear to be identical and are variants of the Complainant's official website, reproducing the said website's color scheme and diagonal "slash" design (albeit reversing the direction of the slash), copying identically the Complainant's logo, and repeating the Complainant's marketing tags, "Know Your Market / Reach Your Customer" and "Gain insights on the trends that matter to your business".

On January 12, 2025, the Complainant received an email from a third party with the subject line "According to my account with Azira pro". The third party asked the Complainant to assist it with recovering USD 17,212 that it had allegedly deposited in Bitcoin with "Azira LLC". The Complainant states that this is evidence of fraudulent activity being undertaken in connection with the disputed domain names.

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 it is the only company authorized to use the AZIRA mark, and is its rightful owner, referencing the Complainant's application for a registered trademark. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name and is causing confusion by soliciting money as part of a scam from unsuspecting individuals, some of whom have contacted the Complainant for assistance.

The Complainant asserts that it has been using the AZIRA mark since March 1, 2024, adding that it was operating long before the disputed domain names were registered. The Complainant claims a "formidable" Internet presence via social media and website visitors, and notes that the Respondent has copied key features directly from its official website, including an exact duplication of its marketing taglines.

The Complainant notes that it sent a cease-and-desist letter to the Respondent by email on September 13, 2024, and refers to the email it received from a third party, suggesting that the latter had lost almost USD 20,000 as a result of a scam associated with the disputed domain names. The Complainant adds that it never authorized the Respondent to use its name or likeness in the disputed domain names or associated websites, submitting that the Respondent is not a legitimate business but is a scam artist, and that there is no legitimate reason, whether commercial or noncommercial, for the Respondent's use of the Complainant's trademark in the disputed domain names and on the associated websites.

The Complainant asserts that the Respondent is using its trademark to defraud people, including copying the Complainant's website and using this in association with the disputed domain names, forcing the Complainant to expend resources in an attempt to limit the damage caused. The Complainant concludes that the use of its name by the Respondent is a deliberate and intentional attempt to confuse people into thinking that the Respondent is an authorized representative of the Complainant to financially scam people for the Respondent's own commercial gain.

B. Respondent

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's claim to rights in a registered trademark for the purposes of the Policy is not made out on the present record. A pending trademark application would not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i). [WIPO Overview 3.0](#), section, 1.14.

The Panel therefore turns to the Complainant's claim of unregistered trademark rights in the AZIRA mark, referring to the [WIPO Overview 3.0](#), section, 1.3 in respect of the typical types of relevant evidence which may demonstrate acquired distinctiveness in the said claimed mark (also referred to as secondary meaning).

As the section notes, this can include a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys.

The Complainant has not provided much information beyond its social media presence and details of its global offices in support of its contention on this topic. There is something of an ambiguity in the fact that the Complainant states that it has been using the AZIRA mark since March 1, 2024, yet one of its social media accounts indicates that it was founded in 2012, while another states that the corresponding account was opened in 2015. The Panel acknowledges, however, that it is possible that the Complainant was founded on such earlier date and has only adopted the AZIRA mark more recently or refers to its application date, not its actual first use date. Nevertheless, the evidence provided leads the Panel to the conclusion that the Complainant's social media presence on its own is insufficient to demonstrate secondary meaning in the AZIRA mark. That said, the Panel must also factor in the evident copying of the Complainant's official website on each of the websites associated with the disputed domain names, indicating that the Respondent is actively targeting the Complainant by way of the disputed domain names, which each are identical to the claimed mark. As the [WIPO Overview 3.0](#), section 1.3 also notes, the fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier.

Here, there can be little doubt that the Respondent itself considers that the AZIRA mark may be used as a source identifier for the Complainant's services, notably because it has copied the Complainant's logo and marketing tags exactly on the websites associated with the disputed domain names, together with mimicking the look and feel of the Complainant's official website. In the Panel's view, this evidence of targeting, taken together with the somewhat limited evidence of the Complainant's social media activity, is sufficient to establish the Complainant's unregistered trademark rights for the purposes of the first element assessment.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

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

It is well established that the generic Top-Level Domains ("gTLD") of the disputed domain names, namely ".agency", ".work", and ".pro" respectively, do not need to be taken into consideration on the question of identity or confusing similarity under the Policy. [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 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 Panel notes that the disputed domain names have all been used in an attempt to impersonate the Complainant by each incorporating an unadorned version of the Complainant's AZIRA unregistered trademark and each being used in connection with websites copying multiple features of the Complainant's official website. The Panel finds that the disputed domain names are more probably than not part of the same targeting scheme, having been registered within seconds of one another under a false contact address (according to the relevant records) and featuring identical website content (according to the Complainant's screenshots). It is also reasonably likely that this impersonation may be connected to the fraudulent activity reported by the Complainant's email correspondent, given that the email concerned is headed up with what looks like one of the disputed domain names (<azira.pro>) by way of the subject line "According to my account with Azira pro".

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off together with potentially fraudulent activity relating to the acceptance of cryptocurrency deposits, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

In the present case, the Panel notes that the composition of the disputed domain names exactly matches the Complainant's unregistered trademark, and that the websites associated with the disputed domain names have been designed to masquerade as official websites of the Complainant, by way of logo, color scheme and/or look and feel, and marketing taglines. It is therefore inconceivable that the disputed domain names were not registered by the Respondent with the Complainant and its mark firmly in mind.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, and potentially fraudulent obtaining of cryptocurrency deposits, 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 disputed domain name constitutes bad faith under the Policy.

The Respondent has failed to file a Response and has brought forth neither submissions nor evidence which might have suggested any good faith reason for its registration and use of the disputed domain names. The Complainant's allegations and substantive evidence regarding the use of the disputed domain names to impersonate the Complainant, most probably for the purposes of fraud, are serious in nature and call for an answer from the Respondent which is notably lacking here. The Panel has not identified, and cannot conceive of, any possible contentions which the Respondent might have made on this topic that would have suggested that the disputed domain names were registered and have been used in good faith.

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 names <azira.agency>, <azira.work>, and <azira.pro> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: May 11, 2025