

ADMINISTRATIVE PANEL DECISION

GOODIES International Limited v. Zeina Shrem, goodies fdfruits
Case No. D2025-1109

1. The Parties

The Complainant is GOODIES International Limited, United Arab Emirates, represented by BSA Ahmad Ben Hezeem & Associates LLP, United Arab Emirates.

The Respondent is Zeina Shrem, goodies fdfruits, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <goodiesfdfruits.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 19, 2025. On March 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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 (Contact Privacy Inc Customer 0171860804) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 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 24, 2025.

The Respondent and the Respondent's technical contact details sent email communications to the Center on March 20, 22 and 24, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2025. The Respondent did not submit any formal response. The

Respondent sent email communications on March 28, 2025. The Center informed the Parties of the commencement of Panel appointment process on April 16, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on April 30, 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 a limited liability company established in the United Arab Emirates. It operates a factory in Lebanon and is a manufacturer of food products including jam, honey, spreads, dairy, cheese, baked goods, fruits, vegetables, fish, poultry, frozen goods, spices, and sweets. It also provides wholesale, distribution, restaurant, and café services.

The Complainant is the owner of various registrations for the trademark GOODIES, including for example:

- United Arab Emirates trademark registration number 048684 for the individual mark GOODIES, registered on October 16, 2014;
- Bahrain trademark registration number 1/095132 for the individual mark GOODIES, registered on May 22, 2016; and
- Oman trademark registration number 1/115426 for the combined mark GOODIES, registered on February 9, 2021.

The Complainant operates a website at “www.goodies.com.lb”. The website offers extensive information about the Complainant, and refers to opening an account and online shopping, although it does not appear directly to offer items for purchase from that website.

The disputed domain name was registered on July 25, 2024.

The disputed domain name has resolved to a website headed with a logo labelled “Goodies FD Fruits”. It appears to offer a wide range of fruit, vegetable, confectionary and other food products for sale online.

5. Parties’ Contentions

A. Complainant

The Complainant submits that it has traded under the name and mark GOODIES since 1979 and that its trademark has become well known beyond national borders. It states that its website at “www.goodies.com.lb” averages thousands of visitors per month. It refers to extensive sales revenue and to significant advertising across numerous traditional and social media platforms, although it does not provide figures, further particulars or evidence in this regard.

The Complainant submits that the disputed domain name is identical or confusingly similar to its GOODIES trademark. It contends that the inclusion of a descriptive term such as “fruits”, or of “typographical variations”, does not reduce the likelihood of confusion.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no connection with the Respondent and has not authorized it to use its GOODIES trademark. It states that the Respondent has no corresponding trademark rights of its own, and could not indeed register a United Arab Emirates trademark for GOODIES in view of the Complainant’s prior rights. The Complainant submits that “the Respondent operates and manages a competing business selling

the same goods as the Complainant,” which does not amount to either bona fide commercial use or legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It asserts in particular that it was the Respondent’s intention to disrupt the Complainant’s business within the United Arab Emirates. The Complainant contends that Internet users will automatically assume the Complainant is the owner of the disputed domain name, particularly since the Complainant “holds the top-level domain”. It adds that Internet users will believe the Respondent is an extension of the Complainant, and/or that the Complainant itself is no longer operating in the United Arab Emirates.

The Complainant submits that there is no plausible reason for the Respondent to have chosen the disputed domain name, and that by doing so it has sought both to divert Internet users looking for the Complainant and to prevent the Complainant itself from registering the disputed domain name. The Complainant contends that the Respondent’s bad faith conduct is exacerbated by its presence on social media, further adding to public confusion with the Complainant’s trademark.

The Complainant requests the transfer, or alternatively the cancellation, of the disputed domain name.

B. Respondent

The Respondent did not file a formal Response in the proceeding. In the informal emails sent by the Respondent’s technical contact and the Respondent itself, it questioned what action was necessary in response to the Complaint, stated that it had paid for its website and did not understand why it had received a Complaint, and requested that an Arabic speaker explain matters to it. (In relation to the final matter, the Panel notes that the language of the relevant registration agreement in this proceeding is English and finds there to be no compelling reason to depart from English as the language of the proceeding: see paragraph 11 of the Rules.)

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights for the mark GOODIES. The disputed domain name wholly incorporates that trademark, together with the additional letters “f” and “d” and the dictionary term “fruits”, none of which prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In this case, the Respondent appears to operate a website under the name “Goodies FD Fruits”, offering fruit, vegetable and confectionary food products for sale online. Indeed, the Complainant concedes in the Complaint that “the Respondent operates and manages a competing business selling the same goods as the Complainant.”

It is important to note that the purpose of the UDRP is to resolve cases of “cybersquatting”, in other words, the registration and use of a domain name which targets a third-party trademark and seeks to take unfair commercial advantage of goodwill attaching to that trademark. The UDRP is not appropriate to resolve trademark or allied disputes between the owners of competing businesses using the same or similar trademarks in good faith, even if one such operator may have a trademark registration while the other operator does not. In simple terms, therefore, the question for the Panel in this case is whether the Respondent’s website represents a genuine business venture - albeit one to which the Complainant objects - or alternatively, is merely a sham or pretext for taking unfair advantage of the Complainant’s trademark rights.

Considering first the Respondent’s use of the term “goodies”, the Panel does not accept the Complainant’s contention that this could only plausibly be used to target the Complainant’s trademark rights. The term “goodies” is a dictionary term, meaning items that are desirable, and is frequently used in common parlance connection with food products. Further, a Google search against the name “goodies” indicates numerous users of that name in commerce, include those in food-related businesses. Nor does the Complainant appear to be the owner of the domain name <goodies.com>.

The Panel is not therefore of the view that Internet users will inevitably assume the disputed domain name, or the Respondent’s website, to be connected with the Complainant. In the view of the Panel, the fact that the Respondent may have chosen this term as part of the name of a business offering food products is not conclusive of an intention to target the Complainant’s trademark, even in circumstances where both parties are located in the United Arab Emirates and the Complainant is the owner of United Arab Emirates and other trademark registrations.

The Panel also notes that the disputed domain name includes the letters “f” and “d” and the term “fruits” in addition to the GOODIES mark. While neither party has offered an explanation for the letters “f” and “d”, a review of the Respondent’s Facebook page¹ suggests that they stand for “freeze dried”. The inclusion of these additional terms does not suggest an intention to target the Complainant’s trademark, and nor does the Panel accept that the Respondent is likely to have registered the disputed domain name in order to prevent the Complainant from registering the same domain name: the Panel can see no reason why the Complainant would wish to do so.

The Panel’s review of the Respondent’s website and social media pages is also more suggestive of a genuine business venture than of a sham or pretext for targeting the Complainant’s trademark. The website appears to offer a wide variety of products for sale online, together with a credible shopping cart and checkout process, including the calculation of international shipping costs (although the Panel did not make a test purchase). The Respondent’s social media pages on Facebook and Instagram also appear credible, seeming to show genuine product images, including the Respondent’s branding.

In the circumstances, the Complainant has not met the burden of establishing that the Respondent registered and has used the disputed domain name with an intention to target the Complainant’s trademark rights, as opposed to for the purposes of a genuine business venture - albeit one to which the Complainant objects on trademark grounds. In the view of the Panel, the adjudication of any such trademark dispute would be a matter for adjudication by a competent court of law, and is not a matter for determination under the remit of the UDRP.

The Panel finds, therefore, that the Complainant has failed to establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the Complainant must fail accordingly.

¹ As discussed in paragraph 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. Furthermore, the Complainant specifically references the Respondent’s social media accounts in the Complaint.

C. Registered and Used in Bad Faith

For similar reasons as those set above, the Complainant has also failed to demonstrate that the disputed domain name was registered and has been used in bad faith.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: May 14, 2025