

ADMINISTRATIVE PANEL DECISION

Trutex Limited v. Abhi abi
Case No. D2025-1588

1. The Parties

The Complainant is Trutex Limited, United Kingdom, represented by Abion GmbH, Switzerland.

The Respondent is Abhi abi, India.

2. The Domain Name and Registrar

The disputed domain name <trutexfzco.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 18, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 23, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 2, 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 May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 27, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on June 5, 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 British school uniform manufacturer with a history dating back to 1865, which currently manufactures over four million garments annually, supplying uniforms to customers in around 30 countries. The Complainant has a dedicated presence in the United Arab Emirates, including Dubai, serving as a strategic hub for its Middle Eastern operations.

The Complainant is owner of several trademark registrations for TRUTEX for goods in class 25, including:

- United Kingdom trademark with registration number UK00000437366 of May 22, 1923;
- United Kingdom trademark with registration number UK00001142408 of October 22, 1980; and
- United Arab Emirates registration with trademark number 239279 of December 28, 2016.

The Complainant also owns several domain names encompassing the TRUTEX trademark, including <trutex.com>, which was registered in 1998, and <trutex.ae>, which was registered in 2015, which the Complainant uses as an online e-commerce platform.

The disputed domain name was registered on July 12, 2023, and resolves to a website which offers garments, including school uniforms. According to this website “Trutex Fzco is a largest online fashion brand company in the UAE for various industries such as schools, Men wear, Women wear, and kids wear,” and the website provides contact details in the United Arab Emirates.

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 disputed domain name is confusingly similar to its TRUTEX trademark. According to the Complainant, the addition of “fzco” after its TRUTEX trademark does not prevent a finding of confusing similarity with its trademark.

Further, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name because the Complainant has not licensed or authorized the Respondent to register or use the disputed domain name and is not commonly known by the disputed domain name and does not own any corresponding registered trademarks. The Complainant also alleges that the Respondent has aimed at making Internet users believe that the disputed domain name is directly linked to, or operated by, the Complainant so that the nature of the disputed domain name carries a risk of implied affiliation. Further, the Complainant contends that the website to which the disputed domain name resolves allegedly advertises the sale of clothing items, including school uniforms, in the name of “Trutex fzco”, which the Complainant considers a blatant attempt to reference the Complainant and its trademark and which tries to get access to potential customers' personal details, cannot be considered as a bona fide offering of goods or services, and cannot confer rights or legitimate interests to the Respondent.

The Complainant discovered that a company registration for “TRUTEX – FZCO”, which was established on June 7, 2023, exists in the United Arab Emirates' business register. However, according to the Complainant the mere incorporation of a company with a name identical to the Complainant's trademark, without any evidence of actual business activity, cannot suffice to demonstrate rights or legitimate interests in the disputed domain name. Rather, such a step is often indicative of a strategic move to create an impression of legitimacy and to circumvent UDRP proceedings. In the present case, the proximity in time between the company registration and the disputed domain name registration, the clear targeting of the Complainant and its TRUTEX trademark, and the absence of any evidence of any real commercial operation linked to the

disputed domain name strongly suggest that the company registration was part of the Respondent's broader scheme to impersonate the Complainant, rather than to carry out a bona fide offering of goods and/or services.

The Complainant infers from the Respondent's use of the disputed domain name which resolve to a website which apparently promotes the sale of, inter alia, school uniforms, that the Respondent had knowledge of the Complainant at the time of registration of the disputed domain name which was therefore done while having the Complainant in mind. The Complainant also contends that the Respondent's use of the disputed domain name, which resolves to a website reproducing the Complainant's TRUTEX trademark and apparently advertising the sale of, inter alia, school uniforms, indicates an intentional effort to deceive Internet users by creating a false impression of affiliation with the Complainant. According to the Complainant, the website's content, by offering clothing items for sale, inviting Internet users to provide personal details, as well as providing an email address to initiate contact with the Respondent, clearly reinforces the fraudulent intent behind the disputed domain name.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove 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

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 3.0](#), section 1.7.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's TRUTEX trademark. The disputed domain name incorporates the TRUTEX trademark in its entirety, and merely adds the letters "fzco", which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's TRUTEX trademark (see section 1.7 of the [WIPO Overview 3.0](#): "While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing").

Consequently, the first element of paragraph 4(a) of the Policy is met.

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 Panel takes note of the Complainant’s various allegations and more specifically that no authorization has been given by the Complainant to the Respondent to use the Complainant’s TRUTEX trademark or to register the disputed domain name, and the disputed domain name resolves to website which uses the Complainant’s TRUTEX trademark to offer, inter alia, school uniforms for sale, thereby intentionally creating confusion with the Complainant’s TRUTEX trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. The Panel finds that the Complainant has sufficiently demonstrated that the Respondent’s website is probably intended to deceive Internet users into believing that the Respondent’s website is associated with the Complainant, and to obtain Internet user’s personal details. The Panel also considers that the Complainant’s assertion that the registration of the company under the name “TRUTEX – FZCO” in the commercial register of the United Arab Emirates is likely to serve only to give the Respondent an appearance of legitimacy is reasonably plausible, especially since this company was registered around the same time as the disputed domain name and the Respondent also offers school uniforms under the aforementioned name, which is virtually identical to the Complainant’s TRUTEX trademark, which has been used for school uniforms for more than a century. Moreover, it is not clear from the records and the Respondent did not come forward with any explanation showing that it is connected to the said company. In light of the Complainant’s allegations, it was incumbent upon the Respondent to provide an explanation, which it failed to do.

There is no evidence before the Panel to show that the Respondent has rights or legitimate interests in the disputed domain name. The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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.

In the present case, the Panel is satisfied that the Respondent had the TRUTEX trademark in mind when registering the disputed domain name, given that the Complainant had obtained registration of the TRUTEX trademark, also including in the United Arab Emirates where the Respondent is located, well before the registration of the disputed domain name and the disputed domain name resolves, shortly after registration, to a website on which the Complainant’s TRUTEX trademark is prominently displayed and the same products are offered as those offered by the Complainant under its TRUTEX trademark.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website. 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 Panel finds the third element of the Policy has been established.

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 <trutexfzco.com> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: June 19, 2025