

ADMINISTRATIVE PANEL DECISION

AirGSM Pte. Ltd. v. Bui Viet, privat

Case No. D2025-1843

1. The Parties

The Complainant is AirGSM Pte. Ltd., Singapore, represented by Lewis Silkin LLP, United Kingdom.

The Respondent is Bui Viet, privat, Viet Nam, represented by HSU Advocates, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <airaloesimaustralia.com>, <airaloesimcanada.com>, <airaloesimindonesia.com>, <airaloesimitaly.com>, <airaloesimjapan.com>, <airaloesimthailand.com>, and <airaloesimusa.com> are registered with Vautron Rechenzentrum AG (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 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 the amendments to the Complaint on May 15, 2025, and May 19, 2025.

The Center verified that the Complaint together with the amendments to the 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2025. The Response was filed with the Center on June 9, 2025. The Respondent sent an email communication to the Center on June 9, 2025, confirming filing the Response.

The Center appointed John Swinson as the sole panelist in this matter on June 24, 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 company that was incorporated in Singapore in 2019. The Complainant trades under the name "Airalo". Since 2019, the Complainant has enjoyed strong growth and one of the world's leading providers of digital SIM (eSIM) cards, providing its services to over 20 million customers in over 200 countries. The Complainant employs over 200 people, spread over 44 countries and 6 continents.

The Complainant conducts its business primarily through its core website, found at "www.airalo.com", and its AIRALO-branded software applications ("apps"). The Complainant's iOS app has received over 66,000 independent reviews (with an average score of 4.6 out of 5). The Complainant's Android app has been downloaded over 5 million times, has received over 80,000 reviews, with an average score of 4.5 out of 5.

The Complainant owns a portfolio of trademark registrations for a device trademark that includes the term "airlio" (all in lower case) which is under a logo of three bars in yellow, red, and orange, that could represent a stylized form of the reception bars on a cellphone. For example, the Complainant owns a trademark registration in Singapore for this trademark, being Singapore Trademark Registration No. 40201914330P, that was filed on July 3, 2019 and that registered on December 19, 2019.

The Complainant also owns trademark registrations for this trademark in other countries, including, for example, Australian Trademark Registration No. 2321917 that is registered effective from August 18, 2022.

The disputed domain names were registered on the following dates:

- <airaloesimjapan.com>, registered on February 8, 2025;
- <airaloesimcanada.com>, registered on February 13, 2025;
- <airaloesimusa.com>, registered on February 13, 2025;
- <airaloesimthailand.com>, registered on February 13, 2025;
- <airaloesimaustralia.com>, registered on February 14, 2025;
- <airaloesimindonesia.com>, registered on February 14, 2025;
- <airaloesimitaly.com>, registered on February 14, 2025.

The Respondent is a person who, according to the Registrar's records, has an address in Viet Nam. A Response was filed by a United Kingdom company called AIRALO ESIM LTD, which has Company Number 16205717. This company was incorporated on January 24, 2025. According to United Kingdom company records, the sole director of this company is an individual, who has an occupation of "Ceo" and is a resident of Viet Nam.

The Response does not explain the relationship (if any) between the Respondent and AIRALO ESIM LTD. The Response claims that AIRALO ESIM LTD is the registrant of the disputed domain names.

The websites at the disputed domain names all have a similar look and feel. These websites do not have a banner or heading on the home page of the websites, and the websites do not strongly associate "Airaloesim" or similar as branding for the websites. The title bar does include text such as, for example, "Classic Shop - AiraloEsim Australia". The main text on the websites is "Stay Connected Anytime and Anywhere".

At the time of the Decision, the websites include text such as "AIRALO ESIM AUSTRALIA.' is a brand of AIRALO ESIM LTD. Registered in England and Wales No: 16205717". The websites at the disputed domain name also include a disclaimer: "This website, airaloesimaustralia.com, is not affiliated with or endorsed by airalo.com. 'airalo' is a trademark of airalo.com, and any use of the name is for identification purposes only."

This language was not provided on the websites when the Complaint was submitted.

The privacy policies on the websites at the disputed domain name do not appear to follow United Kingdom privacy laws. The privacy policies indicate that Airalo Esim Travel Technology Join Stock Company, located in Singapore, is the unit collecting and managing information.

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 names.

Notably, the Complainant contends that the Complainant has enjoyed astronomical growth in a short space of time and enjoys a global reputation under its AIRALO trademark.

Without exception, all disputed domain names replicate the distinctive verbal element of the Complainant's AIRALO trademark and add the descriptive term "esim". Also contained in the disputed domain names are the names of countries in which the Complainant owns trademark rights.

The term "Airalo" is a coined term. It is inherently distinctive and carries no descriptive connotations. The Complainant has not given consent for the Respondent to register domain names that incorporate its distinctive trademark, AIRALO.

The Respondent markets itself as "Airalo eSIM" in a manner that deliberately misleads Internet users in to believing that the digital SIM cards offered for sale through the disputed domain names originate from the Complainant. The websites at the disputed domain names contain no information that would inform Internet users otherwise.

At the very least, the Respondent should have been aware of the Complainant's business when registering the disputed domain names. Indeed, it is implausible that the Respondent did not have the Complainant's business in mind when the disputed domain names were registered.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent submits that the disputed domain names are not confusingly similar to the Complainant's registered trademark for AIRALO, based on the overall impression created by the disputed domain names. The terms "eSIM" and the names of countries where the service is provided serve as a differentiating function.

The composite combination of "Air" and "Alo" was independently developed by the Respondent and reflects a functional and cultural rationale, not an attempt to leverage the Complainant's brand recognition.

The Respondent's websites have distinct layout, branding, and disclaimers affirming no affiliation with the Complainant.

The Respondent was established with the specific purpose of operating a business offering global eSIM solutions. This business operates independently of the Complainant. The disputed domain names were registered for this purpose, and are used in respect of a bona fide offering of goods and services. The Respondent made such bona fide use prior to notice of the dispute.

The prior use of a domain name in good faith, especially where the Respondent operates under a registered company name similar to the disputed domain names, supports a finding of legitimate rights.

The Respondent has not taken efforts to sell the disputed domain names to the Complainant, or to impersonate the Complainant, or to mislead consumers. The disclaimer on the Respondent's websites constitutes grounds to establish rights and legitimate interests under the Policy.

There is no evidence of intent to confuse. There is no evidence of deceptive intent, consumer confusion, or trademark abuse.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The onus of proving these elements is on the Complainant.

Consolidation: Multiple Domain Names

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In the present case, the named Respondent is the same for all disputed domain names.

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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are 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 names. The Respondent has not sufficiently rebutted the Complainant’s *prima facie* showing and has not come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Respondent asserts that the Respondent has rights or legitimate interests in the disputed domain names under paragraph 4(c)(i) of the Policy. The Respondent states that, before notice to the Respondent of the dispute, the Respondent used the disputed domain names in connection with a bona fide offering of services. In this respect, see [WIPO Overview 3.0](#), section 2.2.

Use of a domain name to intentionally trade on the fame of another does not demonstrate rights or legitimate interests in a domain name, and in particular cannot be considered a bona fide offering of goods or services. *Van Morrison and Exile Productions Limited v. Unofficial Club de Van Morrison*, WIPO Case No. [D2002-0417](#). In respect of the third element of the Policy, the Panel finds below that the Respondent registered the disputed domain names to take advantage of the Complainant’s reputation. Accordingly, the Respondent cannot be regarded as using the disputed domain names in connection with a bona fide offering of goods or services. Compare *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. [D2017-0481](#); and *Trading Central S.A. v. Amir Jabur*, WIPO Case No. [D2025-0142](#).

The Panel concludes that the Respondent’s use of the disputed domain name is not bona fide offering of goods or services for the purposes of the Policy and thus does not establish that the Respondent has rights or legitimate interests in the disputed domain name under paragraph 4(c)(i) of the Policy.

The Respondent also appears to rely upon paragraph 4(c)(ii) of the Policy.

The Respondent is an individual called Bui Viet. There is no evidence that Bui Viet is commonly known as “airaloesimaustralia.com” or any other of the disputed domain names. Even if AIRALO ESIM LTD is regarded as the registrant of the disputed domain names, there is also no evidence that AIRALO ESIM LTD is commonly known as “airaloesimaustralia.com” or any other of the disputed domain names for the purposes of the Policy. Moreover, there is no evidence of reputation in the Response, such as the advertising spend or reach, number of customers, or reputation of the Respondent or AIRALO ESIM LTD. There is also no evidence as to the connection (if any) between the Respondent and AIRALO ESIM LTD. The Panel also notes that, regardless of its relationship with Respondent, the recent choice of name AIRALO ESIM LTD. (after the Complainant had been operating for a number of years and obtain substantial recognition in its trademark) appears to be a pretextual attempt to either falsely suggest affiliation with the Complainant or provide a cover to take advantage of the Complainant’s trademark, and that mere registration of a business name without any other supporting factors would be insufficient to demonstrate rights or legitimate interests under the Policy.

The Panel finds that the Respondent has not been commonly known by the disputed domain names or a name correspondent to the disputed domain names. [WIPO Overview 3.0](#), section 2.3.

None of the circumstances listed in paragraph 4(c) of the Policy apply in the present circumstances. Moreover, the composition of the disputed domain name, incorporating the Complainant’s distinctive coined trademark with descriptive and geographic added terms, carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [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

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trade mark (usually) owned by the complainant.

The evidence shows that the Complainant is well-known in respect of eSim and telecommunication services. When the Panel searched for “airalo esim australia” and “airalo esim USA” on the Google search engine, results relating to the Complainant were returned; no results relating to the Respondent were returned on the first page of the search results.

The Respondent did not assert that it was unaware of the Complainant at the time the disputed domain names were registered.

The Respondent stated that the disputed domain names were selected because “air” indicated wireless connectivity and “alo” is a greeting in multiple languages for “hello”. (No evidence was provided to support this second assertion.) The Respondent did not state why the Respondent selected the combination of “air” and “alo”. The Panel considers that the Respondent selected this combination because it is the trademark of the Complainant, and the Respondent is in direct competition with the Complainant.

The disclaimer in the privacy policy (quoted above in Section 4) suggests that the person who created the websites at the disputed domain names was aware of the potential for confusion with the Complainant. Moreover, the Panel notes that the disclaimer was not present at the time of filing the Complaint. Rather, it appears that the Respondent added the disclaimer after receiving notice of the dispute, and misleadingly represented the provision of this disclaimer in the Response without any explanation as to the timing of the inclusion of the disclaimer. In the circumstances of this case, such post-notice actions and omissions from the Response are indicative of bad faith.

The Panel also notes that the Complainant is located in Singapore, and that the privacy policy at the disputed domain names has an address for its “headquarters” (presumably the headquarters of the Respondent) also in Singapore.

Broadly speaking, the Complainant and the operator of the websites at the disputed domain names are competing in the same field, being the online provision of eSim services, and both the Complainant and the Respondent appear to have a connection with Singapore. The Panel considers it implausible that the Respondent would not have been aware that its selected combination of terms would closely resemble the Complainant’s AIRALO mark.

The Panel infers that the Respondent registered the disputed domain names because the Respondent was aware of the Complainant and wished to take advantage of the Complainant’s reputation.

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion as to the source, affiliation or endorsement of the websites. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

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 <airaloesimaustralia.com>, <airaloesimcanada.com>, <airaloesimindonesia.com>, <airaloesimitaly.com>, <airaloesimjapan.com>, <airaloesimthailand.com>, and <airaloesimusa.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: July 7, 2025