

## **ADMINISTRATIVE PANEL DECISION**

**Net Holding A.Ş., Merit Turizm Yatirim ve İşletme A.Ş. v. Abdulgafur Karaer**  
**Case No. D2025-1954**

### **1. The Parties**

The Complainants are Net Holding A.Ş., Türkiye and Merit Turizm Yatirim ve İşletme A.Ş., Türkiye, represented by Sołtysiński Kawecki & Szlęzak – Kancelaria Radców Prawnych i Adwokatów Spółka Komandytowa, Poland.

The Respondent is Abdulgafur Karaer, Türkiye, represented by Daria Oleksandrivna TYMCHENKO and Kostiantyn Oleksandrovych ZEROV, Ukraine.

### **2. The Domain Name and Registrar**

The disputed domain name <meritking.news> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2025. On May 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 for Privacy / Privacy Service, Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on May 19, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on May 23, 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 26, 2025. In accordance with the Rules, paragraph 5, the initial due date for Response was June 15, 2025. Upon the request of the Respondent, the due date was extended to June 19, 2025 under paragraph 5(b) of the Rules. The Response was filed with the Center on June 19, 2025.

The Panel notes that the Complainants filed a supplemental filing on June 27, 2025, and the Respondent filed a supplemental filing on July 1, 2025. Further, the Panel issued a Procedural Order No. 1 on July 29, 2025, requesting the Respondent to comment on the Complainant's said supplemental filing. Upon this, the Respondent filed response to the Complainant's supplemental filing on August 3, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on June 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 Complainants are joint stock companies existing under the laws of Türkiye. Net Holding A.Ş. (the "Complainant 1") is a company in the hospitality, casino, gaming and betting sectors, with the other Complainant Merit Turizm Yatırım ve İşletme A.Ş. (the "Complainant 2"), being one of its subsidiaries. The Complainants operate in Türkiye, Cyprus, Montenegro, Croatia and Bulgaria.

The Complainant 2 owns word and figurative MERIT, MERIT INTERNATIONAL, MERIT ROYAL HOTEL CASINO SPA or MERIT ROYAL HOTEL&CASINO&SPA trademark registrations in Türkiye, where the Respondent is reportedly located. The Complainant 2 is the registered owner of the following trademark registrations:

- Turkish Registration MERIT INTERNATIONAL No. 171909, registered on June 16, 1997 in classes 39, 41, and 42;
- Turkish Registration MERIT No. 2006 10901, registered on April 25, 2007, in classes 5, 6, 7, 8, 9, 12, 14, 16, 18, 20, 21, 22, 24, 25, 27, 28, and 29;
- Turkish Registration MERIT No. 2018 119653, registered on February 8, 2021, in classes 3, 5, 8, 9, 20, 27, 28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- Turkish Registration MERIT ROYAL HOTEL CASINO SPA No. 2012 97386, registered on September 9, 2015, in classes 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

The Complainant 1 also owns MERIT ROYAL HOTEL&CASINO&SPA trademark registration in the European Union:

- European Union Registration for MERIT ROYAL HOTEL&CASINO&SPA No. 016172389, registered on May 24, 2017, in classes 9, 16, 21, 24 28, 33, 35, 36, 37, 38, 40, 41, and 43.

The MERIT trademark is also under examination for a well-known status before the Turkish Patent and Trademark Office since November 18, 2024, under application number T/04018. However, under the decision rendered in *Merit Turizm Yatırım Ve İşletme Anonim Şirketi v. Fedlan Kilicaslan, G&F Company Group NV / Redsoft N.V.*, WIPO Case No. [D2017-1398](#), it was established that the MERIT trademarks have "notoriety and goodwill".

The Complainants have further registered and been operating the trademark MERIT as part of the Complainants' domain name, <merithotels.com>.

The disputed domain name was registered on June 23, 2024. Pursuant to Annexes 11 and 12 of the Complaint, before the filing of the Complaint, the disputed domain name resolved to an active website which operated as a sports news portal and included links to gambling and betting websites. Pursuant to Annex 16 of the Complaint, the disputed domain name <meritking.news> has been already blocked in Türkiye under a preliminary injunction granted by the Istanbul 4th Intellectual and Industrial Property Rights Civil Court.

The Panel visited the website connected to the disputed domain name on July 9, 2025, and determined that disputed domain name does not resolve to an active website when entered from Türkiye and therefore this

injunction seems to have been implemented. However, the website still is active when entered from elsewhere.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainants are of the opinion that the disputed domain name is confusingly similar to its MERIT trademarks. The Complainants assert that;

- The disputed domain name incorporates the term "merit", which is the dominant element present in all of the Complainants' registered trademarks.
- The additional element "king" is, according to the Complainants, associated with the term "royal", which appears in several of the MERIT-formative trademarks.
- Both "king" and "royal" are claimed to possess limited inherent distinctiveness in the context of gambling and betting services, where such terms are commonly used descriptively in the industry.

Furthermore, the Complainants argue that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants assert that;

- The disputed domain name does not operate as a legitimate sports news portal, but rather displays content that is largely copied from third-party sources, including reputable media outlets.
- The disputed domain name serves as a facade for the promotion of the Meritking branded betting and gambling platforms. The Respondent aims to mislead Internet users and benefit from the reputation of the Complainants' MERIT trademarks under the guise of informational content.

Finally, the Complainants claim that the Respondent has registered and is using the disputed domain name in bad faith. The Complainants believe that the Respondent was fully aware of the Complainants' trademarks when registering the disputed domain name. The Complainants are further of the opinion that the Respondent apparently tries to mislead Internet users by freeriding on the reputation of the MERIT trademarks.

The Complainants further claim that the Respondent is cooperating with other individuals, I.K. and F.K., with whom the Complainants have trademark disputes for more than eight years. As per the Complainants, the Respondent is involved with these individuals who adopted a deliberate strategy to increase the number of entities formally involved in Meritking's activities in order to make it more difficult for the Complainants to pursue their legitimate claims.

Specifically, the Complainants claim that I.K. is indicated as the contact person in advertisement materials related to disputed domain name. They further claim that this I.K. filed for trademark applications with "Meritking" term in it. In addition, the Complainants also claim the Respondent, I.K. and F.K. are all related. As per the Complainants, there is a pattern of registering abusive domain names by entities related to F.K. with the intention of confusing the consumers and freeriding on the reputation of the Complainants' MERIT trademarks.

Therefore, the Complainants claim that the disputed domain name is also a part of this trademark infringement scheme.

Indeed, the Complainants state that there are many other pending trademark disputes (both civil law and penal law) before the local competent courts in Türkiye between the Parties.

## **B. Respondent**

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

The Respondent emphasizes that the Policy does not require proof of trademark infringement, and that the first element concerns only the identity or confusing similarity between the disputed domain name and the Complainant's trademark. While previous UDRP panels typically adopt a low threshold under the first element, they may consider the overall use of the domain name under the second and third elements when assessing good faith and legitimate interest.



The Respondent does not use or imitate the Complainants' trademark, logos, fonts, graphic style, or any element of their visual identity.

In this case, the Respondent is an employee of Meritking News Media Company Ltd, a duly registered company in Cyprus and the owner of the website at the disputed domain name. Meritking News Media Company Ltd is in the business of solely posting sports news (sports portal) and is a sponsor/partner of several professional sports clubs.

The Complainants have not proved that the disputed domain name infringes copyrights of third parties and have not provided any evidence of copyright disputes over the publications posted on the website.

The Respondent claims that the word "merit" is a dictionary term which means "the quality of being good and deserving praise". Moreover, the word "merit" is often used in trademarks by completely different persons and is neither distinctive nor strongly associated with the Complainants.

The Respondent is using the generic word "merit" to describe its business activities (sports news that deserve praise) and focusing solely on media, journalism, and reporting, and profit from the generic value of the word without intending to take advantage of the Complainants' rights in that word.

In its supplemental filing, the Respondent states that the disputed domain name was registered in the interests of Meritking News Media Company Ltd, which is not the applicant and has no connection whatsoever with the Turkish Trademark Applications numbered 2024/112005, 2024/086648, and 2024/086555, to which the Complainant refers. The Respondent also states that an image  was shown on its website for a short time, as seen on <web.archive.org>. The Respondent asserts that a designer working for the Respondent found the image online and added it by mistake and as soon as the Respondent noticed this, the image was removed and replaced with a new one .

The Respondent further notes that the website has no connection to the Complainants' business sectors (e.g., hospitality, casinos, or gaming), and that the content is clearly distinct and unrelated. The Respondent's activities are limited to media and journalism, and the disputed domain name has not been used in a manner that would suggest affiliation, sponsorship, or endorsement by the Complainants.

Accordingly, the Respondent submits that the disputed domain name was not registered or used in bad faith, and that it holds a legitimate interest in the disputed domain name within the meaning of the Policy.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Identity of Respondent**

The Respondent asserts that the disputed domain name was registered on behalf of Meritking News Media Company Ltd, a Cyprus-based company, and in the capacity of the Respondent as an employee of that entity. However, based on the evidence submitted by the Complainant and the Respondent, and as

elaborated further in this Decision, the Panel notes a significant inconsistency in this claim. The disputed domain name was registered on June 23, 2024, while Meritking News Media Company Ltd had not yet been incorporated and the Respondent's employment with this company did not commence until November 4, 2024.

The Panel notes that paragraph 1 of the Rules defines Respondent as "the holder of a domain-name registration against which a complaint is initiated".

The Panel further notes as stated in a previous UDRP decision *Bryan Cave Leighton Paisner LLP v. Job*, WIPO Case No. [D2020-0592](#), "[...] in certain circumstances, especially when (i) the identity of the beneficial holder is disclosed, (ii) the beneficial holder submits arguments explaining its position, or (iii) the relationship between the registrant of the domain name and the beneficial holder is clear, panels would normally consider any submission by the beneficial holder (and, obviously, the submissions by the registrant) in reaching their decisions (including for the purposes of the determination of the respondent's identity) [...]."

In this case, although the Respondent has claimed that the disputed domain name was registered on behalf of a third-party entity (Meritking News Media Company Ltd.), the identity of the so-called beneficial holder is not supported by contemporaneous evidence. The Respondent has not demonstrated a clear or documented relationship between itself and the claimed beneficial holder at the time of registration. The evidence submitted by the Respondent showing its employment by this company only occurred after the registration of the disputed domain name.

The sole Respondent in this proceeding remains the individual as confirmed by the Registrar to the Center on May 16, 2025.

## **6.2. Consolidation of Complainants**

Section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") summarizes the consensus view of UDRP panels on the consolidation of multiple complainants, in part, as follows: "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation." The Complainants are related corporate entities and have a common legal interest sufficient to justify consolidation. The Respondent has engaged in targeting with respect to each of the Complainants.

The Panel accepts this in favor of consolidation and grants it and will refer to "the Complainant".

## **6.3. Consideration of Supplemental Filings**

The Panel notes that the Center received an unsolicited supplemental filing from the Complainant on June 27, 2025, and an unsolicited supplemental filing from the Respondent on July 1, 2025. In light of the [WIPO Overview 3.0](#), section 4.6, the Panel follows the reasoning of the panel in *Viz Communications, Inc. v. Redsun dba www.animerica.com and David Penava*, WIPO Case No. [D2000-0905](#), that it is appropriate to consider the circumstances of each case before deciding whether or not to admit additional submissions.

In this case, the Complainant's supplemental filing is a rebuttal of the Respondent's contentions. The Panel notes that the supplemental filing by the Complainant was filed as a direct reaction to the Respondent's filing and allegations. The Panel notes that the allegations in the Response could not have been anticipated priorly by the Complainant. The Panel further notes that the supplemental filing did not delay the administrative proceeding. Consequently, the Panel decided to take the Complainant's filing of June 27, 2025, into account in order to render a Decision in this case.

The Panel notes that the Respondent's supplemental filing is an objection to the Complainant's supplemental filing. The Panel, in the interest of procedural fairness and transparency, has also decided to admit the

Respondent's supplemental filing and has taken both supplemental filings into consideration in reaching its Decision.

#### **6.4. Other Legal Proceedings**

Paragraph 18 of the Rules states that, in case of other legal proceedings between the Parties, it is the Panel's discretion to decide whether to suspend or terminate the administrative proceedings or to proceed to a decision.

In the present case, the Panel notes that the Complainant obtained a court order for a preliminary injunction from a Turkish court to block access to the website at the disputed domain name, <meritking.news>. In addition, the Complainant lists other court actions with individuals (allegedly) related to the Respondent.

The Panel believes that this does not affect the present administrative proceeding, as in view of the Panel a claim to block access to a website needs to be assessed separately from a claim to transfer a domain name under the Policy.

Taking the circumstances of the present administrative proceeding into account, the Panel will render a decision under the Policy without creating prejudice as regards any past, pending or future court proceedings in Türkiye (See section 4.14.2 of the [WIPO Overview 3.0](#)).

Therefore, the Panel believes that it is appropriate to proceed to a decision in compliance with paragraph 18(a) of the Policy.

#### **6.5. Substantive Issues**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the trademarks 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 are 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 Complainant has shown rights in respect of the MERIT and MERIT-formative trademarks 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.

Although the addition of other term here, "king" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, the generic Top-Level Domain ".news" is typically disregarded for the purpose of the first element assessment (see [WIPO Overview 3.0](#), section 1.11.1). Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark within the meaning of paragraph 4(a)(i) of the Policy.

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 asserts that the disputed domain name was registered on behalf of Meritking News Media Company Ltd, a Cyprus-based company, and in the capacity of the Respondent as an employee of that entity. However, based on the evidence submitted by the Complainant and the Respondent, the Panel notes a significant inconsistency in this claim. The disputed domain name was registered on June 23, 2024, while Meritking News Media Company Ltd had not yet been incorporated and the Respondent’s employment with this company did not commence until November 4, 2024.

There is no evidence on record that the Respondent holds any registered trademark rights in the name “Meritking” or that he is commonly known by this name. The Panel finds that the registrant on record is the Respondent. However, even if the Panel had decided that the Respondent was a beneficial holder for the company Meritking News Media Company Ltd, that would not change the Panel’s findings under the second element. The Panel finds that the existence of a company name corresponding to the disputed domain name would not automatically confer rights or legitimate interests on the Respondent, noting the overall circumstances of the case especially the fact that the disputed domain name was registered before the incorporation of the said company. Moreover, the Respondent has expressly confirmed in its supplemental filings that there are no registered or pending trademark applications for the term “Meritking”.

Additionally, the Respondent’s registration of the disputed domain name on June 23, 2024, came significantly later than the Complainant’s registration of its trademarks. Prior to the Respondent’s registration of the disputed domain name, the Complainant’s trademarks had enjoyed a certain degree of fame and reputation which the Respondent was not authorized to share.

The Respondent also argues that the word “merit” is a dictionary term and therefore lacks distinctiveness. However, as noted in section 2.10.1 of the [WIPO Overview 3.0](#), the mere fact that a domain name consists of a dictionary word does not automatically confer rights or legitimate interests upon the registrant. In order to establish such interest, the Respondent must demonstrate a bona fide use of the term in connection with its dictionary meaning and not as a pretext to target a third party’s trademark. In the present case, the Panel finds no credible evidence that the Respondent has used the disputed domain name in connection with the generic meaning of “merit” (i.e., “worthiness” or “deserved praise”). The Panel finds that the Respondent’s reliance on the dictionary meaning of “merit” is not sufficient to establish rights or legitimate interests under the Policy.



Pursuant to Annex 11 of the Complaint, the expert report obtained by the Complainant confirmed that the disputed domain name included links to gambling/betting websites. This determination contradicts hugely with the Respondent's allegations that the disputed domain name is used solely for news spreading purposes.

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.

In the present case, the Panel notes that it is unlikely that the Respondent was unaware of the Complainant's trademarks at the time of registration of the disputed domain name. The MERIT trademarks have been registered and used for decades prior to the registration of the disputed domain name, which occurred in 2024, significantly later than the Complainant's first Turkish trademark registration in 1997. A basic Internet search would have readily revealed the existence and commercial use of the MERIT brand, which is distinctive and strongly associated with the Complainant's hospitality and gaming services.

The Panel notes that the website at the disputed domain name initially used a logo that closely resembles the Complainant's registered trademark in both shape and color. The Respondent claims that the logo was mistakenly used by a designer and later replaced but provides no evidence that the removal occurred prior to or independently of this proceeding. The Panel finds that the combined use of a similar trademark and a visually similar logo is unlikely to be inadvertent or coincidental. Therefore, such similarity cannot reasonably be considered coincidental and denotes an intention to mislead Internet users by creating and reinforcing a likelihood of confusion with the Complainant. Additionally, the Respondent has not provided persuasive evidence to support the claim that these choices were coincidental or made without intent to associate with the Complainant. In the circumstances, the Panel concludes that this pattern of conduct supports a finding of bad faith under paragraph 4(a)(iii) of the Policy.

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.

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 notes significant inconsistencies and a pattern of conduct that suggest the disputed domain name was registered and used in bad faith. Although the Respondent claims to have registered the disputed domain name on behalf of Meritking News Media Company Ltd, the disputed domain was registered prior to the incorporation of that company and before the Respondent commenced his employment there.

The Panel notes that the Complainant showed evidence demonstrating that certain news articles on the website at the disputed domain name are entirely copied from third party websites. In addition, the Panel also notes that the Complainant provided an expert report determining that the website at the disputed domain name includes links to betting websites.

The totality of these circumstances supports a finding that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) 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 name <meritking.news> be transferred to the Complainant, Net Holding A.Ş. as the designated recipient on behalf of both Complainants.

*/Gökhan Gökçe/*

**Gökhan Gökçe**

Sole Panelist

Date: August 5, 2025