ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
AirGSM Pte. Ltd. v. Bui Viet, privat
Case No. D2025-2222

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.

2. The Domain Name and Registrar

The disputed domain name <airalosim.com> is registered with Vautron Rechenzentrum AG (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 6, 2025. On June 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 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 amendment to the Complaint, and an amended Complaint on June 16, 2025, and June 20, 2025.

The Center verified that the Complaint together with the amendment to the Complaint and 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 June 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 17, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on July 25, 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 incorporated in 2019 and has since traded under the name "Airalo". Since its inception, the Complainant has experienced rapid and sustained growth and is today widely recognized as one of the world's leading providers of digital SIM (eSIM) cards. Its services are offered to a customer base exceeding 20 million users across more than 200 countries. The Complainant employs over 200 individuals, with its workforce distributed across 44 countries and six continents. The Complainant conducts its business primarily via its core website at "www.airalo.com" and through mobile applications branded under the AIRALO name.

The Complainant owns a large global portfolio of trademark rights for its AIRALO logo. Among them are the following trademark registration: Singapore Trademark Registration No. 40201914330P for the AIRALO logo, filed on July 3, 2019, and registered on December 19, 2019, covering: Class 9: Software and applications for mobile devices; Class 35: Online retail services; and Class 38: Telecommunications; and International Trademark Registration No. 1701049 for the AIRALO logo, registered on August 18, 2022, with protection extended to, inter alia, Australia, Indonesia, Japan, and the European Union. This International registration is based on the aforementioned Singaporean registration and protects the same goods and services.

The disputed domain name was registered by the Respondent on February 4, 2025. According to the evidence submitted by the Complainant, the disputed domain name directed to an inactive website on the date of the filing of the Complaint and the Panel has confirmed that on the date of this Decision it still directs to an inactive website.

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 disputed domain name is highly similar to the Complainant's trademark since it incorporates the Complainant's trademark and the additional term "SIM", which would, in the context of the Complainant's business, be readily understood by a customer as referring to a SIM card, naturally associated with the Complainant's business. Further, the Complainant argues that the Respondent does not own any registered rights in a trademark for AIRALO, which is a coined term, registered by the Complainant, which is, the Complainant argues, inherently distinctive and carries no descriptive connotations. The Complainant also argues that it has not given consent for the Respondent to register the disputed domain name incorporating its trademark. The Complainant concludes that such use cannot be considered to produce a legitimate interest or to constitute a bona fide, noncommercial use of the disputed domain name, and that in this case the burden of production regarding the second limb test shifts to the Respondent, who did not provide any arguments or evidence. As to bad faith, the Complainant essentially argues that the Respondent knowingly registered the disputed domain name incorporating the Complainant's well-known mark and that, as to bad faith use, the Respondent is holding the disputed domain name passively in bad faith. Additionally, the Complainant contends that the Respondent currently has ten email addresses connected to the disputed domain name, and that these are intended for use as a means to defraud customers and individuals by purporting to derive from, or have some connection with, the Complainant, which poses a high risk that they will be used for fraudulent purposes.

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 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 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, "sim", 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.

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 also notes that the record contains no evidence showing that the Respondent is commonly known by the disputed domain name or making any legitimate noncommercial or fair use of the disputed domain name, or any preparations for such use. To the contrary, the disputed domain name appears to have not been used by the Respondent. In this regard, the Panel finds that holding a domain name passively, without making any use of it, does not confer any rights or legitimate interests in the disputed domain name on the Respondent in the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞(Zhao Zhu Fei),* WIPO Case No. D2020-0691; and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui),* WIPO Caseo. D2021-1685).

Additionally, the Panel finds that the nature of the disputed domain name, being confusingly similar to the Complainant's well-known trademarks and consisting only of the Complainant's trademark combined with the dictionary term "sim" (which is a word describing some of the main products offered by the Complainant, including, particularly eSIM cards), carries a risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant and refers to its products and services or suggests sponsorship or endorsement by the Complainant (see 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

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 the Respondent registered the disputed domain name, incorporating the AIRALO mark in its entirety, in February 2025, which is years after the registration date of the Complainant's trademarks. Further, the Panel accepts that the Complainant's AIRALO marks are used intensively and possess a strong and widespread reputation, as has been recognized earlier by panels applying the Policy, see for instance: *AirGSM Pte. Ltd. v. Bui Viet, privat*, WIPO Case No. D2025-1843 and *AirGSM Pte. Ltd. v. tian tao*, WIPO Case No. D2025-2138. The Panel notes that registration of the disputed domain name, which is confusingly similar to the Complainant's well-known and intensively used trademarks, by the Respondent, who is entirely unaffiliated with the Complainant, creates by itself a presumption of bad faith of the Respondent (see in this regard *Alain Afflelou Franchiseur v. Lihongbo, Lihongbo*, WIPO Case No. D2020-2075, and WIPO Overview 3.0, section 3.1.4). The Panel also notes that even a cursory Internet search or trademark search at the time of the registration of the disputed domain name would have made it clear to the Respondent that the Complainant owns prior rights in its trademarks for AIRALO. Therefore, based on the available record, the Panel accepts that the Respondent has registered the disputed 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.

The Panel notes that according to the evidence on record, the disputed domain name directs to an inactive website. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

As to the contentions by the Complainant that the disputed domain name is allegedly used to host ten email addresses, the Panel notes that the Complainant did not provide any evidence in this regard, such as MX-records, commonly used to substantiate such contentions. In such circumstances, the Panel cannot comment on these claims. However, in view of the above elements, the Panel considers the remaining elements sufficient to conclude that the Respondent has registered and used the disputed domain name in bad 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 name <airalosim.com> be transferred to the Complainant.

/Deanna Wong Wai Man/
Deanna Wong Wai Man
Sole Panelist
Date: August 8, 2025