

ADMINISTRATIVE PANEL DECISION

AirGSM Pte. Ltd. v. John Deecon, TrafficDomains INC
Case No. D2025-2387

1. The Parties

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

The Respondent is John Deecon, TrafficDomains INC, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <esim-airalo.com> (hereinafter referred to as the “Disputed Domain Name”) is registered with MAT BAO CORPORATION (hereinafter referred to as the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2025. On June 17, 2025, the Center acknowledged receipt of the Complaint and transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 18, 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 for Privacy / Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 on June 19, 2025.

The Center verified that 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 June 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 18, 2025.

The Center appointed Michal Havlík as the sole panellist in this matter on July 21, 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 telecommunication company known for operating Airalo, a provider of eSIMs (embedded SIM cards) for travelers around the world which was incorporated in 2019. The Complainant has gained a global reputation under its AIRALO trademarks as a world leading provider of digital SIMs. The Complainant operates its business at “www.airalo.com”.

The Complainant owns multiple trademark registrations including:

- Singapore trademark registration No. 40201914330P with registration date December 19, 2019;
- International trademark registration No. 1701049 for the Airalo logo with registration date August 18, 2022, inter alia, in Australia, Japan, Malaysia, United States of America, China, and European Union.

(hereinafter referred to as the “AIRALO trademarks”).

The Disputed Domain Name was registered on March 20, 2025. Having checked the Disputed Domain Name, the Panel notes that there is no change on the websites after filing of the Complaint. In other words, the Disputed Domain Name is still inactive.

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.

The Complainant cites its international trademark for word and logo trademark AIRALO. The Complainant contends that the Disputed Domain Name is highly similar to the AIRALO trademarks in which the Complainant has rights. Moreover, the Disputed Domain Name replicates the distinctive verbal element of the Complainant's AIRALO trademark, in its entirety. According to the Complainant, the addition of the term “e-sim” would instantly be understood by a customer as referring to an electronic SIM card in the context of the Complainant's business which is the principal or core product of the Complainant's business.

Furthermore, the term “e-sim” should be seen as descriptive that consumers would very easily and naturally associate with the Complainant's business. Thus, the term “e-sim” rather than differentiating the Complainant's trademarks from the Disputed Domain Name, it reinforces the association with the Complainant's brand. In support of its arguments, the Complainant cites a few UDRP decisions, among them: *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); *Hoffman-La Roche, Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#). The Complaint further contends that the generic Top-Level Domain (gTLD) “.com” is an obligatory part of the Disputed Domain Name, therefore, it lacks any distinctive character.

The Complainant submits that the Respondent lacks both rights and legitimate interest in the Disputed Domain Name. Furthermore, the Complainant states that the term “airalo” is an invented term which is inherently distinctive and carries no descriptive connotations. The Complainant has not given consent for the Respondent to register a domain name that incorporates the Complainant's trademarks.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name show bad faith. With regard to the long-term and broad use of the Complainant's trademarks, the Respondent must have known about their existence when registering the Disputed Domain Name. The Component notes that the Disputed Domain Name previously promoted a third-party platform, and subsequently did not resolve to an active website – both of which support a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has sufficiently demonstrated existence of its trademark rights in numerous jurisdictions. Therefore, the Complainant has shown the existence of valid trademarks for the purpose of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

The verbal elements of the mark are reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the trademark for the purpose of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the element "esim" 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 trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, this Panel finds that the Disputed Domain Name is confusingly similar to trademarks in which the Complainant has rights.

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, previous panels have recognized that proving a respondent lack of 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 right 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 (even though 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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name since it does not own any registered trademark rights for “airalo” or “esim-airalo”. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence illustrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

Moreover, the composition of the Disputed Domain Name, incorporating the Complainant’s trademarks and the related descriptive term “esim”, carries a risk of implied affiliation and cannot constitute fair use 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

The Panel notes that, for the purpose of paragraph 4(a)(iii), paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a 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 the AIRALO trademarks predate the registration of the Disputed Domain Name by almost six years and have been intensively used in numerous jurisdictions including Malaysia, where the Respondent allegedly resides. As a result of such use, the AIRALO trademarks are distinctive and have accrued a reputation, at least in the telecommunication industry. The Panel acknowledges that the Disputed Domain Name was previously pointed to a website under a third party trademark that was created for commercial profit by offering for sale digital SIM cards, which considering the composition of the disputed domain name is evidence of bad faith as it shows an intent to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademarks.

The element “esim” which is contained in the Disputed Domain Name, is a descriptive designation for embedded SIM card service, which is the Complainant’s core service offered under its trademark. The Complainant has demonstrated that term “esim” is frequently used by consumers as a key word along with trademark AIRALO. This shows that the Respondent has intentionally targeted the Complainant with the aim of deceiving Internet consumers into believing that they were conducting business in association of or on behalf of the Complainant.

From the above-mentioned, it also follows that the current passive holding of the Disputed Domain Name does not prevent a finding of bad faith, see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), specifically the following factors

- (i) the Complainant’s trademark is distinctive;
- (ii) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use;
- (iii) the Respondent had taken steps to conceal their identity;
- (iv) the prior use of the Disputed Domain Name;
- (v) the composition of the Disputed Domain name, making good faith use of the Disputed Domain Name is inconceivable.

In the light of the above-mentioned, the Panel concludes 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 <esim-airalo.com> be transferred to the Complainant.

/Michal Havlík/

Michal Havlík

Sole Panellist

Date: August 4, 2025