

## ADMINISTRATIVE PANEL DECISION

Türkiye Varlık Fonu A.Ş. v. Mehmet Alper Sen  
Case No. D2025-3046

### 1. The Parties

The Complainant is Türkiye Varlık Fonu A.Ş., Türkiye, represented by Asist Patent Ltd. Şti., Türkiye.

The Respondent is Mehmet Alper Sen, Türkiye.

### 2. The Domain Name and Registrar

The disputed domain name <turkiyesigorta.com> is registered with Squarespace Domains II LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 31, 2025. On July 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 August 5, 2025.

The Center verified that the Complaint together with the amendment 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 August 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2025. The Response was filed with the Center on August 25, 2025. The Respondent also sent email communications to the Center on August 2, 2025, and August 26, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on September 1, 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 in this administrative proceeding is Türkiye Varlık Fonu A.Ş., a joint stock company established under the laws of the Republic of Türkiye.

The Complainant is the owner of the Turkish trademark registration No. 2020/40878 for TÜRKiYE SİGORTA, filed on April 13, 2020, and registered on February 8, 2022, in class 36.

The disputed domain name was registered on January 27, 2017. It resolves to an active website that displays information about insurance in Türkiye, including a list of different types of insurance. At the bottom of the website, there is a message written in English and Turkish together with contact information. The message reads as follows: “This domain name is for sale. If you would like to make an offer, you can contact us at the email addresses below.”

#### **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’s contentions regarding the three elements under the Policy can be summarized as follows:

First, the Complainant submits that its registered trademark is used in connection with insurance and financial services across Türkiye and enjoys widespread recognition. The disputed domain name incorporates the Complainant’s trademark in its entirety, and the omission of the diacritic marks does not eliminate the confusing similarity between the disputed domain name and the Complainant’s trademark. The Complainant adds that the disputed domain name creates a strong likelihood of confusion for Internet users and dilutes the distinctiveness of the Complainant’s trademark.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant contends that the Respondent is not commonly known by the name “Türkiye Sigorta” or the disputed domain name; the Respondent has not been authorized, licensed, or otherwise permitted by the Complainant to use the Complainant’s trademark; the Respondent has no connection or affiliation with the Complainant; the Respondent does not have trademark or business registration rights over the disputed domain name. The Complainant adds that the Respondent is using the email address connected to the disputed domain name to offer it for sale. According to the Complainant, this clearly demonstrates the lack of any legitimate use. The Complainant claims that there is no evidence of a bona fide offering of goods or services prior to the notice of the dispute. Lastly, the Complainant claims that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Third, regarding the bad faith registration and use of the disputed domain name, the Complainant states that “the domain name was registered in 2017, significantly after the Complainant’s trademark rights were established and widely recognized in Türkiye”. The Complainant notes that the Respondent’s use of a nearly identical domain name and attempt to sell it demonstrate bad faith. The Complainant contends that the Respondent’s behavior is consistent with paragraphs 4(b)(i) and (iv) of the Policy, as the disputed domain name was registered primarily for the purpose of selling it to the Complainant for valuable consideration in excess of the Respondent’s out-of-pocket costs, and the Respondent is attempting to attract, for commercial gain, Internet users to an email-based or potential web-based location, by creating a likelihood of confusion

with the Complainant's trademark as to the source, sponsorship, or affiliation. The Complainant further notes that the disputed domain name is being used to impersonate "Türkiye Sigorta" via social media platforms; the Respondent is interacting with potential victims over WhatsApp, creating a false impression of legitimacy, and possibly collecting personal and financial data; the disputed domain name was listed for sale at a commercial price, which demonstrates speculative intent. The Complainant also notes that it has initiated legal action in Türkiye, and proceedings are ongoing regarding unauthorized use and misrepresentation under national law. In conclusion, the Complainant claims that these facts demonstrate a clear intent to profit unlawfully from the goodwill of the Complainant's brand, deceive consumers, and damage the Complainant's reputation.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. The Respondent's contentions can be summarized as follows:

The Respondent claims that the Complaint is based on misleading and irrelevant evidence. The Respondent asserts that the disputed domain name was registered by him on January 27, 2017, and the Complainant's trademark rights were established on April 13, 2020, after the registration of the disputed domain name. The Respondent affirms that under the UDRP principles, while the timing of trademark rights is relevant to the overall legitimacy assessment, it is not determinative for the confusing similarity test. The Respondent notes that Turkish law also recognizes previously registered domain names as legitimate rights.

The Respondent asserts that he registered the disputed domain name three years before the Complainant's trademark registration and the establishment of "Türkiye Sigorta A.Ş.", and provides invoices for his registration of the disputed domain name. The Respondent contends that the disputed domain name consists of the general terms "Türkiye" and "Sigorta" (a generic service term meaning "insurance" in the Turkish language), and it was acquired as a legitimate investment. The Respondent argues that such practices are common in this sector, and the combination of these terms does not create a confusing similarity because generic terms are publicly available and do not infringe on trademark rights. The Respondent further states that the screenshots submitted by the Complainant confirm that the content of the disputed domain name has not changed, these screenshots show that the said content is limited to explanations of basic insurance terms, and no insurance services are offered, reflecting consistent noncommercial use. The Respondent also notes that the email address associated with the disputed domain name has been used solely as part of a legitimate investment in generic terms, for lawful resale of the disputed domain name. The Respondent asserts that he did not impersonate the Complainant or its trademark, he has not contacted the Complainant or claimed any affiliation, and he only responded to misdirected emails from confused users to clarify that he is not connected to the Complainant. Lastly, he adds that a connection to the Complainant or their trademark is not required for legitimate domain name ownership and bona fide use.

The Respondent contends that the bad faith allegations are baseless, rely on misleading evidence, and reflect the Complainant's bad faith conduct. The Respondent claims that the Complainant misidentified the domain name in their fraud allegation, as the domain name involved in the fraud allegation is <türkiyesigorta.com> (with the Turkish letter "ü"). Regarding the Complainant's allegations of impersonation on social media, the Respondent argues that the evidence submitted cannot establish any connection with the disputed domain name. As a result, the Respondent claims that the alleged fraud does not involve the disputed domain name and the Complainant's misidentification is either intentional or grossly negligent, which undermines the credibility of the Complaint. The Respondent further contends that the claim submitted to the Turkish Court is unfounded, and he has not received any legal notice regarding the referenced case.

The Respondent also argues that listing a domain name for sale does not constitute bad faith unless the Complainant is specifically targeted. In this regard, the Respondent submits that he did not offer the disputed domain name directly to the Complainant, and the "for sale" listing, combined with the explanatory responses provided to misdirected emails, demonstrates that it was not done with the intent to exploit the

Complainant's trademark. The Respondent also claims that the Complainant acknowledges that the disputed domain name was listed for sale prior to their trademark registration. Regarding the use of the email address associated with the disputed domain name, the Respondent notes that this use does not negate legitimate rights where there is no bad faith use, and it constitutes legitimate noncommercial use.

The Respondent emphasizes that the disputed domain name was registered in 2017, before the Complainant's trademark registration in 2020, which precludes any finding of bad faith registration. The Respondent contends that the Complainant misrepresents the timeline of the relevant registrations, and this misrepresentation is misleading and demonstrates bad faith.

Lastly, the Respondent contends that the Complainant's actions constitute an abuse of the UDRP process and requests a finding of Reverse Domain Name Hijacking ("RDNH").

## **6. Discussion and Findings**

For the Complaint to succeed, the Complainant must cumulatively establish all of the elements listed in paragraph 4(a) of the Policy: (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, (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 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. The only difference between the disputed domain name and the Complainant's trademark is the omission of the diacritic from the Turkish letter "ü". Accordingly, the disputed domain name is 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**

In light of the Panel's finding below that the Complainant has not satisfied paragraph 4(a)(iii) of the Policy, there is no need for the Panel to address this element.

### **C. Registered and Used in Bad Faith**

In order to succeed under the third element, the Complainant must separately prove the bad faith registration and the bad faith use of the disputed domain name.

As noted in [WIPO Overview 3.0](#), section 3.8.1, subject to the scenarios described in section 3.8.2, "where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent".

[WIPO Overview 3.0](#), section 3.8.2 indicates the exception to this general proposition in these terms: “As an exception to the general proposition described above in 3.8.1, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. Such scenarios include registration of a domain name: (i) shortly before or after announcement of a corporate merger, (ii) further to the respondent's insider knowledge (e.g., a former employee), (iii) further to significant media attention (e.g., in connection with a product launch or prominent event), or (iv) following the complainant's filing of a trademark application.”

The Panel finds that there is no evidence in the available record that the Respondent registered the disputed domain name in bad faith targeting the Complainant or its trademark rights because the Complainant had no trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1.

The Panel recognizes that the Complainant's trademark, as of today, is widely recognized in Türkiye for insurance services. However, the essential question in this case is whether the Respondent acted in bad faith at the time he registered the disputed domain name. In the Complaint, the Complainant itself states that the disputed domain name was registered on January 27, 2017, and the Complainant's trademark was registered before the Turkish Patent and Trademark Office on April 13, 2020 (the Complaint, pages 4 and 6). Then, the Complainant merely asserts that “the domain name was registered in 2017, significantly after the Complainant's trademark rights were established and widely recognized in Türkiye”. (the Complaint, page 7) However, the Complainant has not provided any supporting evidence that it had trademark rights on TÜRKiYE SiGORTA at an earlier date than the registration of the disputed domain name. In addition to the trademark registration date, the evidence submitted by the Complainant shows that the company “Türkiye Sigorta A.Ş.” (the subsidiary of the Complainant) was founded in 1957 with its former corporate name “Güneş Sigorta A.Ş.” and it later received the corporate name “Türkiye Sigorta A.Ş.” in 2020 (Annex 5 of the Complaint, page 8). As claimed by the Respondent, the official website of the said company (<turkiyesigorta.com.tr>) also announces that it was founded in 2020 with the merger of three different companies. Therefore, based on the available record, the Panel concludes that the Complainant's statement is chronologically inaccurate.

Furthermore, the Complainant did not even address the existence of an exception to the general principle of [WIPO Overview 3.0](#), section 3.8.1, cited above. Accordingly, the available record does not support the finding that the case falls within the exception of [WIPO Overview 3.0](#), section 3.8.2.

Lastly, the Respondent submitted that he registered the disputed domain name on January 27, 2017, and provided, as annex to his Response, invoices issued by GoDaddy.com, LLC, which are related to the pre-order and renewal of domain names. The first invoice, dated January 25, 2017, concerns the pre-order of a domain name, does not explicitly mention the disputed domain name, but displays the Respondent's name. The second invoice, dated August 29, 2017, concerns the renewal of multiple domain names. This invoice clearly shows the Respondent's name and the disputed domain name among the renewed domain names. In the absence of evidence to the contrary, the Panel finds these invoices sufficiently establish that the Respondent is the registrant of the disputed domain name in 2017. The Panel further notes that the other domain names (registered and) renewed by the Respondent also seem to be dictionary and generic terms in Turkish. This further supports the Respondent's claim that he is investing in generic domain names.

In conclusion, the Panel finds that the Complainant's trademark was registered over three years after the Respondent registered the disputed domain name, and based on the available record, the Respondent could not have targeted the Complainant's trademark at the time of the registering the disputed domain name.

Since the Complainant has not met its burden of proving the bad faith registration, there is no need for the Panel to address the Parties' contentions regarding the bad faith use of the disputed domain name. In any case, the Panel's determinations in this regard would not change the outcome of this proceeding under the

Policy. Under these circumstances, the Parties may consider the availability of a court action to assess the contentions on the bad faith use of the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at RDNH or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

[WIPO Overview 3.0](#), section 4.16 provides reasons articulated by panels for finding RDNH. These reasons include: “(i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant’s lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (see generally section 3.8) such as registration of the disputed domain name well before the complainant acquired trademark rights, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel, (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant’s failure to disclose that a case is a UDRP refiling, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, (viii) basing a complaint on only the barest of allegations without any supporting evidence.”

In the present case, the disputed domain name was registered over three years before the registration of the Complainant’s trademark. In its Complaint, the Complainant first acknowledges these facts. Then, in a self-contradictory way, it merely asserted that the disputed domain name was registered “significantly after the Complainant’s trademark rights were established and widely recognized in Türkiye”. As noted above, the Complainant has not provided any supporting evidence to prove this statement. In addition, it was incumbent on the Complainant to establish the existence of an exception to the general proposition stated in [WIPO Overview 3.0](#), section 3.8.1. However, the Complainant has not provided any arguments or evidence on this subject. More importantly, the record shows that the issue of the dispute domain name registration before the Complainant’s acquisition of trademark rights (and the establishment of its subsidiary) has been brought to the Complainant’s attention by the Respondent during the pre-complaint communications between the Parties. (the Respondent’s emails dated June 3, 2025, and June 4, 2025, Annex 4 of the Complaint, pages 1 and 5) Nevertheless, the Complainant proceeded with its Complaint. The Panel also considers that the Complainant was represented by an external representative in this proceeding, and some panels have held that a represented complainant should be held to a higher standard. ([WIPO Overview 3.0](#), section 4.16.)

As a result, the Panel finds that the Complainant should have known that it could not establish one of the essential elements under the Policy. Under these circumstances, the Panel shall accept the Respondent’s request and find that the Complaint constitutes an attempt at RDNH.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

*/Mehmet Polat Kalafatoğlu/*

**Mehmet Polat Kalafatoğlu**

Sole Panelist

Date: September 24, 2025