

## **ADMINISTRATIVE PANEL DECISION**

AirGSM Pte. Ltd. v. Cong Pham Quoc, privat, and Bui Viet, privat  
Case No. D2025-3116

### **1. The Parties**

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

The Respondents are Cong Pham Quoc, privat, Viet Nam (the “First Respondent”), and Bui Viet, privat, Viet Nam (the “Second Respondent”).

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

The disputed domain names <airalo-esim.com> and <airaloesims.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 August 5, 2025. On August 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names that differed from the named Respondent (Redacted) and contact information in the Complaint and confirming that the language of the Registration Agreements for the disputed domain names is English. The Center sent an email communication to the Complainant on August 11, 2025, with the registrant and contact information of nominally different underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that both disputed domain names are under common control. The Complainant filed an amended Complaint on August 11, 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 Respondents of the Complaint, and the proceedings commenced on August 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2025. A Response was filed by the Second Respondent with the Center on September 1, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on September 11, 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.

The Panel notes that the Registrar verified that the First Respondent is the registrant of the disputed domain name <airalo-esim.com> and the Second Respondent is the registrant of the disputed domain name <airaloesims.com>. However, the Second Respondent claimed to be the registrant of the disputed domain name <airalo-esim.com> in the Response. Therefore, on September 18, 2025, the Panel instructed the Center to confirm with the Registrar again regarding the registrant information of the disputed domain names. On September 30, 2025, the Registrar reiterated that the First Respondent is the registrant of the disputed domain name <airalo-esim.com> and the Second Respondent is the registrant of the disputed domain name <airaloesims.com>.

#### 4. Factual Background

The Complainant was founded in 2019 and provides digital SIM cards, also known as “eSIM” cards. It has 20 million customers worldwide. It holds multiple trademark registrations for AIRALO and device (the “AIRALO logo”), including the following:

- Singapore trademark registration number 40201914330P, registered on December 19, 2019, specifying goods and services in classes 9, 35, and 38; and
- International trademark registration number 1701049, registered on August 18, 2022, designating multiple jurisdictions including the United Kingdom, and specifying goods and services in classes 9, 35, and 38.

The above trademark registrations are current. The Complainant operates a website associated with the domain name <airalo.com> where it provides information about its digital SIM cards. It offers digital SIM cards via iOS and Android mobile applications, the latter of which has been downloaded over 5 million times.

The Respondents are individuals with their respective contact street addresses in Viet Nam. While the Registrar verified that the Second Respondent is the registrant of the disputed domain name <airaloesims.com>, the Second Respondent filed the Response regarding the disputed domain name <airalo-esim.com>.

The disputed domain name <airalo-esim.com> was registered on October 1, 2024. The disputed domain name <airaloesims.com> was registered on February 4, 2025. Both disputed domain names resolve to websites with identical homepages that display an “A” logo and offer digital SIM cards for sale. The homepage footer refers to “AIRALO ESIM” and the contact information states that that is a brand of “AIRALO ESIM LTD”, registered in “England and Wales No. 16205717”, with a street address in the United Kingdom and a WhatsApp contact number in the United States of America. Below this, a disclaimer states that “[T]his website, airalo-esim.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.”<sup>1</sup> The About Us page on the website associated with the disputed domain name <airalo-esim.com> presents the operator as “Airaloesim”, “the No.1 eSIM provider based in [the] United Kingdom”, while the Contact Us page on the other website at the disputed domain name <airaloesims.com> resolves to an error message. According to an archived screenshot of the disputed domain name associated with the disputed domain name <airalo-esim.com> submitted by the Respondent, the homepage formerly listed a street address in Singapore.

---

<sup>1</sup> According to an archived screenshot presented by the Second Respondent, the disclaimer has been displayed on the website associated with the disputed domain name <airalo-esim.com> since January 15, 2025.

According to the Response, the disputed domain name <airalo-esim.com> is used in connection with a business operated in conjunction with 16205717 Ltd (originally incorporated under the name of Airalo Esim Ltd), but the relationship of that company to the Respondents is not stated. The record shows that the company was registered in England and Wales on January 24, 2025 under number 16205717. Upon the application of the Complainant, the United Kingdom Company Names Tribunal ordered on June 12, 2025 that “AIRALO ESIM LTD” change its name due to its similarity to the name associated with the Complainant, in which the Complainant claims goodwill. AIRALO ESIM LTD’s name was changed to 16205717 Ltd on July 25, 2025.

According to information presented by the Complainant, a previous UDRP panel decided on July 7, 2025, that the Second Respondent had registered and was using other airalo-formative domain names in bad faith. See *AirGSM Pte. Ltd. v. Bui Viet, privat*, WIPO Case No. [D2025-1843](#) regarding the domain names <airaloesimaustralia.com>, <airaloesimcanada.com>, <airaloesimindonesia.com>, <airaloesimitaly.com>, <airaloesimjapan.com>, <airaloesimthailand.com>, and <airaloesimusa.com>, all registered in February 2025.

## **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 disputed domain names are confusingly similar to its AIRALO mark.

The Respondents have no rights or legitimate interests in respect of the disputed domain names. One of the Respondents was also the respondent in *AirGSM Pte. Ltd. v. Bui Viet, privat (supra)*. The Respondents use the disputed domain names to advertise the sale of digital SIM cards and telecommunications services, under the trademark AIRALO. They do so in direct competition with the Complainant’s business and are not economically connected to the Complainant in any way, their intention being to unfairly pass their goods and services off as those of the Complainant in circumstances where the Complainant is well known in respect of eSIMs and telecommunications services. In circumstances where the Respondents’ use of the disputed domain names is designed to mislead consumers, the disclaimer serves to indicate their awareness of the Complainant’s rights at the times when the disputed domain names were registered.

The disputed domain names have been registered and are being used in bad faith. The Complainant registered its trademarks and enjoyed substantial success before the Respondents chose to register the disputed domain names. The Respondents registered the disputed domain names that are virtually identical to the AIRALO mark and point them to websites that offer identical goods and services to those supplied under the Complainant’s mark, in a flagrant attempt to attract consumers, for commercial gain, by creating a misleading economic link to the Complainant.

### **B. Respondents**

The First Respondent did not reply to the Complainant’s contentions.

The Second Respondent contends that the disputed domain name <airalo-esim.com> (referred to in this Section 5B below as “the disputed domain name”) has been used in connection with a legitimate eSIM business, operated in conjunction with 16205717 Ltd of the United Kingdom, formerly named “Airalo Esim Ltd”. The former name was not intended to exploit the Complainant’s mark. Rather, the voluntary name change was a good faith measure undertaken to comply with regulatory requirements and to avoid potential confusion. This should be regarded as evidence of cooperation and regulatory compliance, not evidence of “opportunism” nor as an admission of infringement. Although WhoIs records show the Second Respondent

as the registrant, the disputed domain name has always been associated with the legitimate business of 16205717 Ltd.

The disputed domain name does not create actual confusion. The Second Respondent acknowledges that the first element of the Policy sets a low threshold and may be satisfied by partial incorporation of a mark. However, any risk of confusion is eliminated by the Second Respondent's actual use with the associated website, including clear disclaimers and the addition of the descriptive term "eSIM". The Second Respondent's business model is also distinct from the Complainant's.

The Second Respondent has rights and legitimate interests in the disputed domain name. The Complainant bears the onus of proof. The Second Respondent, through 16205717 Ltd (formerly named Airalo Esim Ltd) has used the disputed domain name for a legitimate eSIM business since prior to notice of this dispute. It has been demonstrably used to offer genuine eSIM services, not as a placeholder or for speculative purposes. The eSIM market is competitive, with multiple global providers. Unlike the Complainant's app-based service, the Second Respondent's operations are exclusively web-based, targeting consumers searching for eSIMs through generic keywords such as "global eSIM." The website does not copy the Complainant's logos, designs, or content, thereby maintaining transparency and differentiation. The disclaimer confirms the lack of affiliation with Airalo or AirGSM Pte. Ltd. This demonstrates the Second Respondent's good faith efforts to avoid confusion, consistent with fair business practices.

The disputed domain name was not registered or used in bad faith. The Second Respondent registered the disputed domain name to operate an eSIM service in a competitive market, selecting it for its descriptive relevance to eSIM, not to target the Complainant's mark. The Second Respondent has never approached the Complainant to sell the disputed domain name, nor engaged in domain parking, typosquatting, or any other typical bad faith conduct. The Second Respondent's business model (web-based sales) is distinct from the Complainant's app-based approach. There is no evidence of copying the Complainant's branding or of targeting its customers. The disclaimer further demonstrates the Second Respondent's efforts to act transparently and in good faith. Additionally, the Complainant's reputation at the relevant time was limited and undermined by negative consumer reviews, reducing any incentive for the Second Respondent to exploit it. The Complainant has also failed to provide evidence of actual confusion.

## **6. Discussion and Findings**

### **6.1 Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to two nominally different domain name registrants. The Complainant alleges that the domain name registrants are under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The First Respondent did not comment on the Complainant's consolidation request. The Response filed by the Second Respondent did not address the consolidation request.

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 addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names both resolve to websites with identical homepages operated by the same company. The disclaimers refer to both websites as "airalo-esim.com". In view of these circumstances, the Panel finds that the websites associated with both

disputed domain names are under common control. This is confirmed by the fact that, while the Registrar confirmed that the Second Respondent is the registrant of the disputed domain name <airaloesims.com>, the Second Respondent submitted the Response regarding the other disputed domain name, <airalo-esim.com>.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below jointly and separately as “the Respondent”) in a single proceeding.

## **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to each disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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 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 names. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the AIRALO mark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

Given that the figurative elements of the mark cannot be reflected in a domain name due to technical reasons, the Panel will disregard those elements in the assessment of confusing similarity for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.10.

Each disputed domain name incorporates the textual element of the AIRALO mark. Despite the addition of the term “esim”, either separated by a hyphen or followed by a plural “s”, the textual element of the mark is clearly recognizable within each disputed domain name. The only additional element in the disputed domain names is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain names resolve to websites with homepages that offer digital SIM cards for sale. The disputed domain names combine the Complainant's AIROLO mark with a word describing its products ("eSIM", either separated by a hyphen or followed by a plural "s") but resolve to websites offering competitor digital SIM cards. The homepages do little to dispel the misleading impression created by the disputed domain names themselves. The homepages display little branding other than a logo featuring the initial letter in the Complainant's mark ("A"). The About Us page on one website also incorporates the Complainant's mark in the website operator's name. These circumstances do not indicate that the Respondent is using the disputed domain names in connection with a bona fide offering of goods and services. The associated websites offer products for sale, which is not a legitimate noncommercial or fair use of the disputed domain names either. Further, the Registrar has verified that the Respondent's names are "Cong Pham Quoc" and "Bui Viet", which do not resemble the disputed domain names.

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.

Turning to the Respondent, he alleges that one disputed domain name has been used in connection with a legitimate eSIM business, operated in conjunction with 16205717 Ltd of the United Kingdom, formerly named "Airalo Esim Ltd" (the "former company name"). However, the composition of that disputed domain name and the content of the associated websites do not support that conclusion. While the former company name corresponds to the disputed domain name <airalo-esim.com>, that company name was changed six months after its registration, following an order by the United Kingdom Company Names Tribunal to change it. Even assuming that the Respondent is associated with that company, nothing in the record indicates that he, whether as an individual or a business, has been commonly known by that former company name. While the Respondent argues that his company name change was an exercise in transparency, that does not account for the fact that he continues to display the former name on his websites. The Respondent claims that his homepage shows a clear disclaimer. However, the Panel observes that the disclaimer is not at all prominent. In any event, it is less conspicuous than the references to the Complainant in the former company name.

The Respondent notes that the disputed domain names incorporate the descriptive term "eSIM". The Panel agrees that this term describes the Parties' respective products, but that does not justify the combination of that term with the textual element of the Complainant's mark in the disputed domain names. The Respondent also argues that the Parties use different business models. However, the Panel does not consider that this difference avoids a significant risk of confusion as their products are of the same type (i.e., digital SIM cards) and are both publicized on Internet websites, even if their respective means of distribution (which are both digital) may differ.

Further, the Panel notes that a prior UDRP panel decided that seven other Airalo-formative domain names that the Respondent claimed were registered by Airalo Esim Ltd, which were used in a very similar way to the disputed domain names in the present proceeding, were registered to take advantage of the Complainant's reputation and could not be regarded as use in connection with a bona fide offering of goods or services. See *AirGSM Pte. Ltd. v. Bui Viet, privat (supra)*.

In sum, the Respondent has not rebutted the Complainant's prima facie showing.

Based on the record, 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. The fourth of these is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] web site or location.”

In the present case, the disputed domain names were registered in 2024 and 2025, after the registration of the Complainant’s AIRALO mark. The disputed domain names incorporate the textual element of that mark, which is a coined term. They combine that coined term with the descriptive term “eSIM” (separated by a hyphen or followed by a plural “s”), which indicates an awareness of the nature of the Complainant’s product. The Parties are direct competitors. Website analytic data presented by the Complainant show that its website was receiving over 1 million visitors per month by October 2024. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain names with the Complainant’s mark in mind. That conclusion is not altered by evidence presented by the Respondent of mixed customer service reviews prior to the registration of the disputed domain names.

As regards use, the disputed domain names combine the textual element of the Complainant’s mark (“AIRALO”) with a description of the Complainant’s products (“eSIM”) and they operate by attempting to attract Internet users to the Respondent’s websites, where it offers competing products, by creating a likelihood of confusion with the Complainant’s mark as to the source or affiliation of the Respondent’s websites and the products on those websites. Evidence of instances of actual confusion is not required as an intention to confuse is sufficient. The Panel recalls its findings in Section 6.2B and finds these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy.

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

The Respondent asks the Panel to consider a finding of Reverse Domain Name Hijacking. However, the Panel declines to make such a finding as it has upheld the Complaint.

## **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 <airalo-esim.com> and <airaloesims.com> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: September 30, 2025