

## **ADMINISTRATIVE PANEL DECISION**

OCC Establishment v. Kemal Kemal

Case No. D2025-3174

### **1. The Parties**

The Complainant is OCC Establishment, Liechtenstein, represented by Abou Naja Intellectual Property, United Arab Emirates.

The Respondent is Kemal Kemal, Türkiye, self-represented.

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

The disputed domain name <orbitesim.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 11, 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 (ORBIT GLOBAL TECH LTD) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 amended Complaint on August 13, 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 August 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2025. The Response was filed with the Center on September 3, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on September 12, 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 legal entity established under the laws of Liechtenstein in 1994 as part of the Orbit Group, an international provider of communications, media, entertainment, and technology services, which are described on the Orbit Group website at “www.occ.sa” in English and Arabic (the group is headquartered in Saudi Arabia). The Complainant serves as custodian of the Group’s trademarks.

One of the Group’s subsidiaries is Orbit Mobile Limited, incorporated in the United Kingdom in 2024, which operates a travel “eSIM” service under the “Orbit” brand. This is marketed through a website at “www.orbitmobile.com” targeting primarily United Kingdom consumers seeking a less expensive alternative to mobile telephone roaming charges while traveling abroad. The “Orbit Mobile” website advertises “Fast, Affordable eSIM Plans for Seamless Global Travel” and touts the Orbit Mobile “eSIM technology”, which does not require a physical SIM card. (The Panel notes that a “SIM” card is a subscriber identity module, an integrated circuit that securely stores a mobile subscriber’s identity number and key to authenticate users of mobile devices associated with a particular mobile service provider. An eSIM uses software to perform this function.)<sup>1</sup> The Orbit Mobile service is advertised as available for use in many countries.

The Complainant holds multiple trademark registrations for the ORBIT word mark and for a figurative ORBIT mark in which the textual element is the word “Orbit” in stylized letters, including the following registrations that appear in the WIPO Global Brand Database:

Mark	Jurisdiction	Reg. Number	Reg. Date	Goods or Services
ORBIT (word)	United States of America	3414874	April 22, 2008	IC 38
ORBIT (word)	European Union	015179625	July 6, 2016	IC 9, 38
ORBIT (word)	United Kingdom	UK00915179625	July 6, 2016	IC 9, 38
ORBIT (figurative)	European Union	015179674	July 6, 2016	IC 9, 38
ORBIT (figurative)	United Kingdom	UK00915179674	July 6, 2016	IC 9, 38

The disputed domain name was created on December 31, 2024, and is registered to the Respondent individual, listing no organization, a postal address in Türkiye, and a Gmail contact email address.

The disputed domain name resolves to a website (the “Respondent’s website”) published in English and Turkish headed “Orbit eSIM”, advertising “Orbit eSIM for Fast 4G/5G Everywhere You Travel”, with coverage in a large number of countries signified by flag symbols. The Respondent’s website displays graphic illustrations of people holding mobile telephones, as does the Complainant’s Orbit Mobile website, but the Respondent does not copy the Complainant’s figurative ORBIT mark. The Respondent has its own distinctive logo and features prepaid data plans priced in United States dollars, unlike the Complainant’s Orbit Mobile website.

The Panel notes that the “About Us” page of the Respondent’s website offers no specific details about the website operator. However, the “Contact” page includes a United Kingdom telephone number, and the page headed “Terms and Conditions” gives a registered address for “Orbit Global Tech LTD” in London.

<sup>1</sup> See Wikipedia article on “SIM card”. Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([WIPO Overview 3.0](#)), section 4.8.

The online directory of Companies House, the government's official registry of corporate entities in England and Wales, lists a private limited company by that name at the same address given on the Respondent's website, showing that it was incorporated on February 5, 2025, with "Salim Kemal Karaali" of Türkiye named as director.

The Response in this proceeding was filed on behalf "Orbit Global Tech Ltd (UK)" and signed by "Kemal Karaali, Director", presumably the same person who registered the disputed domain name shortly before the company was incorporated.

The Response attaches documentation supporting the Respondent's claims to have launched its "Orbit eSIM" business via the Respondent's website in early 2025, with downloadable Apple and Android mobile applications and online advertising via Google Ads, over 8,000 successful customer transactions via Stripe, and verifiable customer reviews on Trustpilot and other platforms.

The Panel notes that the Respondent also obtained United Kingdom trademark registration number UK00004219009 on September 5, 2025, shortly after filing the Response, for ORBIT ESIM as a word mark in IC 9 and 38. No opposition was filed after the Respondent filed this application for registration on June 14, 2025.

## **5. The Parties**

### **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 the disputed domain name wholly incorporates the distinctive textual element of its registered ORBIT mark and that the addition of the descriptive term "esim" does not dispel confusion but rather heightens it, given that the Complainant's group itself offers eSIM services under the ORBIT mark.

The Complainant asserts that the Respondent has rights or legitimate interests in the disputed domain name, as there is no evidence that the Respondent is known by a corresponding name or has made any legitimate, noncommercial or fair use of the disputed domain name. Instead, the Respondent has used the disputed domain name "to trade upon the Complainant's established brand, divert its customers, and profit from the resulting confusion", which "cannot be regarded as bona fide or legitimate". The Complainant cites the same conduct as evidence of bad faith, as the Complainant's ORBIT mark is well-known but the Respondent uses the confusingly similar disputed domain name to advertise "identical services" to those sold by the Complainant's Orbit Mobile affiliate, misdirecting Internet users for commercial gain.

### **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent claims rights and legitimate interests in the disputed domain name as it operates its registered business under a corresponding name, has been using the disputed domain name for that commercial business since before this dispute arose, and holds a registered trademark corresponding to the disputed domain name.

The Respondent denies targeting the Complainant's ORBIT mark. The Respondent argues that the Complainant and the Respondent were both evidently developing their respective eSIM products in parallel in late 2024, and the Respondent insists that it was not copying the Complainant. The Respondent pleads that transferring the disputed domain name would disrupt its business and cause unjust harm to its customers.

## **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered ORBIT word and figurative marks) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ORBIT word mark and the textual element of the figurative mark are 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 terms (here, "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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. "Orbit" is the leading term in the domain name string, and the Complainant group offers an "esim" product.

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:

- Before notice to the Respondent of the dispute, the Respondent used the disputed domain name in connection with a bona fide offering of services, consonant with the Policy, paragraph 4(c)(i). [WIPO Overview 3.0](#), section 2.2.
- The Respondent has been commonly known by the disputed domain name *or* a name correspondent to the disputed domain name, consonant with the Policy, paragraph 4(c)(ii). [WIPO Overview 3.0](#), section 2.3.

The Panel finds – contingent on an assessment of the Complainant's contention that the Respondent chose its company name, service name, and trademark, as well as the disputed domain name, not as part of a "bona fide" commercial undertaking but in order to exploit the Complainant's ORBIT mark – that the second element of the Policy has not 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. Once of these circumstances is intentionally creating confusion with a trademark to attract Internet users to another site for commercial gain (Policy paragraph 4(b)(iv)). The Complainant argues that this is what the Respondent has done with the disputed domain name and its "Orbit eSIM" website.

The Panel notes that the Respondent does not deny prior awareness of the Complainant but denies targeting the Complainant's ORBIT mark and asserts that the Complainant was not yet in the business of offering an eSIM service and had no "eSIM" product or brand associated with its ORBIT mark when the Respondent registered the disputed domain name in December 2024 and launched its Orbit eSIM business in February 2025. The Panel notes that archived screenshots of the Complainant's "Orbit Mobile" website from December 2024, available from the Internet Archive's Wayback Machine, show only a landing page with a "Coming Soon" message and no reference to eSIM service. The Complainant has not offered evidence that its Orbit Mobile affiliate launched a website or even publicly announced its planned eSIM service before the Respondent (a) registered the disputed domain name or (b) began offering service. This is not a case where the Respondent's website appears to be imitative of an established website of a trademark holder.

Lacking evidence of advance knowledge of Orbit Mobile's planned entry into the eSIM market, the question remains whether, as the Complainant infers, the Respondent chose the "Orbit eSIM" name for its business, product, trademark, and the disputed domain name simply to exploit the fame of the ORBIT trademark. "Orbit", of course, is a dictionary word and is used in many company names, brand names, and product names. Internet searches on "orbit" from an English-language browser did not produce results relating to the Complainant in the first ten screens. A search on "Orbit" in the WIPO Global Brand Database produces 115 pages of results, for a wide variety of goods and services, and only some of which concern the Complainant. The Panel notes that the website of the Complainant group describes Orbit (which, again, is headquartered in Saudi Arabia) as "a privately owned media holding company operating in the Middle East, North Africa, and Asia", primarily offering television and Internet services in those regions. The Complainant's group website does not seem to presently focus on markets the United Kingdom or Türkiye. The Panel concludes, therefore, that it is plausible that the Respondent would not have been targeting the ORBIT mark associated with the Complainant to gain an unfair advantage for its eSIM mobile telephony service. The Complainant has the burden of proof, and on this record its suspicions do not overcome the Respondent's plausible denial of an intent to exploit the Complainant's mark. To the extent the Complainant would need to overcome issues relating to potential descriptiveness, co-existence, timing, jurisdiction, etc., it would be incumbent on the Complainant to make out a compelling case supported by arguments and evidence.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds the third element of the Policy has not been established.

Assessing the same facts, the Panel also confirms its finding that the second element of the Policy has not been established.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: September 26, 2025