

ADMINISTRATIVE PANEL DECISION

LC Waikiki Mağazacılık Hizmetleri Ticaret Anonim Şirketi v. Muhammet Turabi

Case No. D2025-3626

1. The Parties

The Complainant is LC Waikiki Mağazacılık Hizmetleri Ticaret Anonim Şirketi, Türkiye, represented by Muhtaranlar Attorney Partnership, Türkiye.

The Respondent is Muhammet Turabi, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <iranwaikiki.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 8, 2025. On September 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 September 10, 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 September 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2025. The Response was filed with the Center on October 1, 2025. The Respondent sent also an email communication to the Center on October 31, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on October 15, 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 Turkish fashion company operating under the LC WAIKIKI and LCW brands. Originated in 1988 in France, the Complainant continued its activities as a Turkish brand since 1997. The Complainant indicates that it trades in 59 countries with more than 512 stores in Türkiye and 766 stores abroad. The Complainant also notes that it owns thousands of trademark registrations worldwide, including its flagship trademark LC WAIKIKI. These registrations include, among others, the following trademark registrations:

- the Turkish trademark registration for LC WAIKIKI, No. 2014 111226, registered on October 8, 2015; and
- the International Trademark Registration for LC WAIKIKI (figurative), No. 1251458, registered on April 17, 2015, with Iran (Islamic Republic of) as designated country.

The Complainant indicates that the domain name <lcwaikiki.com> used to be the Complainant's flagship domain name in Türkiye. The Complainant notes that even though it is now using the domain name <lcw.com> to promote its products in Türkiye, the subdomain name <corporate.lcwaikiki.com> serves for the Complainant's corporate website.

The disputed domain name was registered on November 5, 2022. At the time of filing of the Complaint, the disputed domain name was resolving to a Persian website that displayed the LC WAIKIKI trademark and purportedly offered to sell LC WAIKIKI branded clothing. At the time of this Decision, the disputed domain name resolves to a Persian website that offers to sell clothing under other brands.

The record also shows that there is a prior UDRP case between the Parties regarding the domain name <iranlcw.com>, in which the panel ordered the transfer of that domain name to the Complainant. (See, *LC Waikiki Mağazacılık Hizmetleri Ticaret Anonim Şirketi v. Muhammet Turabi*, WIPO Case No. [D2023-4280](#))

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 its LC WAIKIKI trademark is well known and a distinctive identifier, as proven by its global registrations and usage. The Complainant also indicates that the Turkish trademark authority recognized the LC WAIKIKI trademark as a well-known trademark. The Complainant's contentions regarding the three elements under the Policy can be summarized as follows.

First, the Complainant submits that the disputed domain name is confusingly similar to its trademark.

Second, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard, the Complainant contends, inter alia, that the Respondent is unfairly using the disputed domain name; such use constitutes unfair exploitation that damages the Complainant's reputation and causes confusion among consumers in the relevant market; and considering that the website's content is in Persian and the LC WAIKIKI trademark is registered in Iran (Islamic Republic of), this unauthorized use is likely to cause harm to the Complainant's commercial interests and brand reputation. The Complainant adds that the Respondent is attempting to deceive consumers and gain an unfair advantage by exploiting the Complainant's reputation and recognition. The Complainant also asserts that there is no business relationship between the Parties regarding the use of trademarks, domain names, or any other matter.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant contends that the Respondent unlawfully uses the Complainant's trademark on the website located at the disputed domain name; considering the well-known status of the LC WAIKIKI trademark, it cannot be argued that the Respondent is not aware of the said trademark; and the Respondent's unfair use of the said trademark in domain names containing the "Iran" affix constitutes a repetitive and deliberate pattern of conduct. The Complainant adds that the Respondent's conduct amounts to an intentional attempt to unfairly benefit from the Complainant's established goodwill and 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:

First, the Respondent contends that there is no confusing similarity between the disputed domain name and the Complainant's trademark. The Respondent notes that the disputed domain name includes "Iran" and omits the distinctive "LC" prefix; the Complainant's primary branding is "LCW" and not simply "WAIKIKI"; and the term "waikiki" is a geographic/dictionary term used worldwide.

Second, the Respondent submits that he runs an independent retail business exclusively in Iran (Islamic Republic of) and is not claiming an affiliation with the Complainant. Due to the sanctions, the Complainant does not operate in Iran (Islamic Republic of), and therefore, there is no direct competition between the Parties. The Respondent also notes that the earlier display of the Complainant's logo has been removed from the website footer, which evidences his good faith. Lastly, the Respondent refers to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.10 regarding legitimate interests in a domain name comprised of a geographic term.

Third, the Respondent contends that there is no bad faith registration or use of the disputed domain name. In this regard, the Respondent submits that the disputed domain name was registered to run an Iranian shop, in Persian language, and not to exploit the Complainant's reputation; the Respondent is not attempting to mislead or confuse consumers; the term "Iran" in the disputed domain name distinguishes it clearly; the Complainant has no business presence in Iran (Islamic Republic of); and he never attempted to sell the disputed domain name. The Respondent also refers to cases involving geographical terms and claims that the geographical term "waikiki" is not exclusive to the Complainant. The Respondent also requests a finding of reverse domain name hijacking.

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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The dominant component ("WAIKIKI") of the Complainant's LC WAIKIKI trademark 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 terms here, "Iran", 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. In particular, the Complainant established a prima facie case that the disputed domain name has not been used in connection with a bona fide offering of goods or services. In addition, the Complainant asserted that the Respondent is not authorized to use the LC WAIKIKI trademark, and nothing in the available record suggests that the Respondent is commonly known by the disputed domain name.

Although the Respondent filed a Response, he has not rebutted the Complainant's prima facie showing and provided no relevant argument or evidence demonstrating rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise. In particular, the Respondent refers to the term “waikiki” and claims that he has legitimate interests in the disputed domain name, which consists of a geographical or dictionary term. It is true that “waikiki” is a geographical term, and a respondent may have rights or legitimate interests in such a domain name, provided that the domain name is genuinely used in connection with the relied-upon geographical meaning and not to trade off third-party trademark rights. [WIPO Overview 3.0](#), section 2.10.1.

However, in the present case, it is clear that the Respondent is not using the disputed domain name in relation to the geographical location “waikiki” but for his commercial gain by offering goods unrelated to the generic or geographical meaning of the term “Waikiki”. The unrebutted evidence submitted by the Complainant shows that at the time of filing of the Complaint, the disputed domain name was resolving to a website displaying the LC WAIKIKI trademark and purportedly offering for sale LC WAIKIKI-branded clothing. Therefore, the Panel finds that the composition of the disputed domain name, coupled with its use, signals that by registering the disputed domain name the Respondent intended to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. In accordance with this determination, the Panel also rejects the Respondent's contention that there is no direct competition between the Parties as the Complainant does not operate in Iran (Islamic Republic of).

In his Response, the Respondent also noted that the earlier display of the Complainant's logo had been removed from the website. As explained above, at the time of this Decision, the disputed domain name resolves to a website offering clothing under other brands. However, the removal of the Complainant's logo from the website does not suffice to create rights or legitimate interests in the disputed domain name (which in itself incorporates the dominant element of the Complainant's mark), as the Respondent continues to use the disputed domain name for selling products that directly compete with the Complainant's products. As a result, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name as the Respondent uses the disputed domain name to take unfair advantage of the Complainant's and its LC WAIKIKI trademark's reputation.

Accordingly, 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.

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.

In the present case, the Panel notes that the LC WAIKIKI trademark largely predates the registration of the disputed domain name; the LC WAIKIKI trademark is well-known in Türkiye, where the Respondent is located; the disputed domain name reproduces the dominant part of the said trademark with the addition of the geographical term "Iran"; and it was resolving to a website displaying the LC WAIKIKI trademark and purportedly selling LC WAIKIKI-branded clothing. As a result, the Panel finds it clear that the Respondent was aware of the Complainant's trademark at the time of registering the disputed domain name and targeted the LC WAIKIKI trademark for his commercial gain.

Moreover, as noted above, there is a prior UDRP decision between the Parties rendered in 2023 ordering the transfer of the domain name <iranlcw.com> to the Complainant. The Panel notes that the domain name <iranlcw.com> has a similar composition to the disputed domain name in the present case, as it incorporates another trademark of the Complainant (LCW) with the addition of the geographical term "Iran" and it was linked to a Persian website, which was displaying the Complainant's trademark and purportedly offering to sell LC WAIKIKI-branded products. The Panel also notes that the domain name <iranlcw.com> was registered on a date different from that of the disputed domain name. The [WIPO Overview 3.0](#), section 3.1.2 indicates that "UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner." Accordingly, the Panel finds that these two registrations indicate a pattern of bad faith conduct according to paragraph 4(b)(ii) of the Policy.

Considering the use of the disputed domain name at the time of filing of the Complaint and this Decision, and the Panel's determinations under the second element, the Panel finds that the Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant's trademark.

As a result, the Panel finds that the Complainant has established the third element of the Policy. Accordingly, the Panel rejects the Respondent's request for a finding of reverse domain name hijacking.

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 <iranwaikiki.com> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/

Mehmet Polat Kalafatoglu

Sole Panelist

Date: October 31, 2025