

ADMINISTRATIVE PANEL DECISION

El Baik Food Systems Co. S.A. v. twb twb

Case No. D2025-4492

1. The Parties

The Complainant is El Baik Food Systems Co. S.A., Luxembourg, represented by Aronova S.A., Luxembourg.

The Respondent is twb twb, Singapore.

2. The Domain Name and Registrar

The disputed domain name <baik.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 October 30, 2025. On October 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (“Registration Private, Domains By Proxy, LLC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 3, 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 November 6, 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 November 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 28, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on December 4, 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 company registered in Luxembourg. It is the operator of a fast-food chain which was founded in Saudi Arabia in 1974. The Complainant trades principally under the names and trademarks AL BAIK and EL BAIK, also utilizing a logo comprising a cartoon-style chicken wearing a hat and bow-tie (the "Complainant's Logo").

The Complainant is the owner of various registrations, in numerous jurisdictions around the world, for trademarks comprising or including the marks AL BAIK (or ALBAIK), EL BAIK (or ELBAIK) and BAIK. Those registrations include, for example:

- European Union trademark registration number 000659177 for a figurative mark EL BAIK, comprising a stylized form of the text EL BAIK in yellow against a red background together with a "top hat" detail (the "Figurative Mark"), registered on February 9, 1999, in International Classes 29 and 42;
- Indonesia trademark registration number IDM000189744 for a combined mark AL BAIK, registered on January 9, 2009, in International Class 43; and
- Saudi Arabia trademark registration number 143006742 for the word mark BAIK, registered on May 26, 2010, in International Class 30.

The Complainant operates a website at "www.albaik.com".

The disputed domain name was first registered on November 29, 1999. The relevant WhoIs search states that it was last updated on May 15, 2025.

The disputed domain name has resolved to a landing page, indicating that the disputed domain name is for sale and inviting enquiries.

5. Parties' Contentions

A. Complainant

The Complainant contends that its fast-food chain, and its trademarks are famous. It notes that its trademarks have been widely registered throughout the world. It also submits that its trademark AL BAIK was recognized as having attained the status of a "famous" trademark by a panel under the UDRP in *El Baik Food Systems Company SA v. Egyptianit Eit*, WIPO Case No. [D2007-1421](#).

The Complainant submits that the disputed domain name is identical to its BAIK trademark, which is also the most distinctive element of its AL BAIK and EL BAIK trademarks. It contends that the terms "al" and "el" within those trademarks are merely determiners.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never authorized the Respondent to register the disputed domain name, and that the Respondent cannot invoke legitimate interests in a domain that corresponds to a widely registered trademark. It adds that the Respondent has not used the disputed domain name for the purposes of any website, and that its value for sale can only be based on taking advantage of web traffic generated by the Complainant's reputation.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It relies on the fact that its AL BAIK trademark has been found to have the status of a “famous” trademark, and contends that the registration of the disputed domain name, without any legitimate affiliation with that trademark, is of itself evidence of registration and use in bad faith. The Complainant contends that the Respondent is clearly seeking to take advantage of consumers, who are likely to believe that the disputed domain name belongs to the Complainant.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

It is important to emphasise that, even in a case where the Respondent has failed to participate in the proceeding, it is still incumbent upon the Complainant to establish, on the balance of probabilities, that each of the three elements is present.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights in BAIK, EL BAIK, and AL BAIK. The disputed domain name is identical to the BAIK trademark and confusingly similar to the EL BAIK and AL BAIK trademarks. The Panel therefore finds that the first element under the Policy is satisfied.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

Based on the available record, the disputed domain name has only been used for a parked page where it is indicated that it is for sale. The registration and offer of a domain name for sale does not of itself confer rights or legitimate interests upon the registrant. As observed in section 2.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), panels have accepted that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the UDRP. However, the Respondent makes no contention that the disputed domain name comprises an acronym, dictionary word, or common phrase, or that it has offered the disputed domain name for sale as part of any wider domain investment venture.

The Panel therefore finds that the second element under the Policy is satisfied.

C. Registered and Used in Bad Faith

In order to establish the third element under the Policy, the Complainant must show that the disputed domain name was both registered and has been used by the Respondent in bad faith. To demonstrate registration in bad faith, the Complainant must show that the Respondent had the Complainant's trademark in mind when it registered or acquired the disputed domain name, and that it did so for the purpose of taking unfair advantage of the goodwill attaching to that trademark.

In the view of the Panel, the Complainant has failed to establish registration of the disputed domain name in bad faith.

The first issue that arises is the date of the Respondent's registration or acquisition of the disputed domain name. The Complainant correctly observes that it was first registered on November 29, 1999, and that the relevant Whois record was last updated on May 15, 2025. However, there are numerous reasons why a Whois record may be updated, and the fact of such update does not necessarily imply a change of ownership of the disputed domain name. Although there are tools available by which the Complainant could have established the ownership history of the disputed domain name, it offers no further information in this regard, or any submission or reason for the Panel to conclude that the Respondent was not the original registrant of the disputed domain name. If the ownership of the disputed domain name has not in fact changed, then the Respondent will have owned the disputed domain name for over 26 years prior to any complaint being raised on the part of the Complainant.

While there is no applicable doctrine of acquiescence or laches under the UDRP, panels have generally accepted that a delay in bringing proceedings can make it more difficult for a complainant to establish bad faith on the respondent's part, particularly in connection with the registration itself. Not only is a delay of 26 years lengthy in any event, but the Panel also notes that the Complainant's EL BAIK trademark registrations were considerably more limited in their geographical scope in November 1999 than now, that there do not appear to have been any AL BAIK registrations at that time, and that the Complainant's BAIK trademark was not registered until over 10 years later, in May 2010.

Secondly, the Panel treats with caution the Complainant's assertion that its AL BAIK trademark (whenever first registered) has been found by a previous panel under the UDRP to have attained the status of a "famous" trademark. What the panel in the above-referenced *Egyptianit Eit* case actually said was as follows:

"... the Complainant argues (although does not provide significant evidence) that its mark is well-known in Middle Eastern countries. Regardless, it appears reasonable to infer that the Complainant's mark is well-known in the areas where the Complainant does business."

In the view of the present Panel, those observations fall short of a finding that the Complainant's AL BAIK trademark had become "famous" as that term is commonly understood in a trademark connection. While the panel in the *Egyptianit Eit* case did comment that: "[r]egistration of a domain name that is confusingly similar or identical to a famous trademark by any entity, which has no relationship to that mark, is itself sufficient evidence of bad faith registration and use", the Panel views this as a statement of general principle, as opposed to adding anything to that panel's characterization of the relevant trademark as cited above. Moreover, the Panel also notes that in the *Egyptianit Eit* case, the domain name had been used for a website offering competing services, while using the Complainant's device mark. Thus, the facts of the cited case are not similar to the present case.

Thirdly, the Panel does not accept the Complainant's contention that there is no material distinction to be made between the trademarks AL BAIK, EL BAIK, and BAIK, because the terms "al" and "el" are merely determiners. The Complainant contends that it has traded principally as AL BAIK or EL BAIK, accompanied by the Complainant's Logo or in the form of the Figurative Mark, and offers no evidence of any trading under the specific mark BAIK at any time.

The Complainant has not therefore shown that the mark BAIK (as opposed to EL BAIK or AL BAIK) has become a distinctive identifier which consumers associate with the complainant's goods and/or services. As stated above, the Complainant has tendered no evidence of trading under the BAIK mark itself, submitting only that that mark is materially indistinguishable from its AL BAIK and EL BAIK trademarks. The Panel does not accept, however, that consumers would be as likely to associate the unadorned mark BAIK with the Complainant's goods or services as in the case of the marks EL BAIK or AL BAIK.

Furthermore, as contemplated by section 4.8 of [WIPO Overview 3.0](#), the Panel has undertaken the following limited factual research into matters of public record, which it considers useful in assessing the case merits and reaching a decision:

- a Google search against the term "baik", which returned numerous results unrelated to the Complainant including, for example, an Indonesian or Malay word for "good" or "okay", a Korean surname, an art gallery based in Indonesia, and a bicycling activity company based in Bali; and
- searches against the term "baik" within the WIPO Global Brands Database, which disclosed current Indonesia and France trademark registrations for the exact term BAIK, and over 200 current registrations for trademarks including the term "baik" in various jurisdictions, in the majority of cases having no apparent connection with the Complainant.

In addition, the Panel has had regard to the criteria noted in section 3.3 of [WIPO Overview 3.0](#) for the assessment of bad faith in the case of the "passive holding" of a domain name. While the disputed domain name has been offered for sale, and has therefore not strictly been passively held, the Panel considers that the relevant principles bear consideration nonetheless. The criteria, and the Panel's relevant findings in this case, are as follows:

- (i) the degree of distinctiveness or reputation of the complainant's mark. While the Panel accepts that the Complainant's AL BAIK and EL BAIK trademarks have become distinctive of its business, the Panel does not consider that to be the case in respect of the Complainant's trademark BAIK or, as the Complainant submits, that the difference between the marks is immaterial, while also noting the numerous Google results unrelated to the Complainant as noted above;
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. While the Respondent's failure to participate in the proceeding reflects negatively upon it, the Panel reiterates that the burden remains upon the Complainant to demonstrate that the requirements of the Policy have been met;
- (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). While the Respondent's stated name and contact details in this case might bear further scrutiny, the Complainant makes no submission that the Respondent has provided false contact details.
- (iv) the implausibility of any good faith use to which the domain name may be put. In the light of its above observations upon the mark BAIK, the Panel does not consider it implausible that a party other than the Complainant might legitimately purchase the disputed domain name from the Respondent and use it for a bona fide purpose that does not impinge upon the Complainant's trademark rights. The term BAIK has been used in commerce by numerous parties other than the Complainant, and could also conceivably function as an acronym.

Finally, the Panel notes that, while the Complainant submits that the disputed domain name is likely to cause confusion with its business, it has produced no evidence of any actual confusion, despite the disputed domain name having been registered over 26 years ago. Further, there is no suggestion in this case that, at any time since its original registration in 1999, the disputed domain name has been used in connection with a business similar to the Complainant's, that it has been used to impersonate the Complainant or for the purpose of any fraudulent scheme, or that the Respondent has attempted to sell the disputed domain name specifically to the Complainant or a competitor of the Complainant.

In summary, therefore, the Complainant has not persuaded the Panel, on the balance of probabilities, that the Respondent registered and has used the disputed domain name with the Complainant's BAIK, AL BAIK or EL BAIK trademarks in mind, and with the intention of targeting those trademarks by taking unfair advantage of the goodwill attaching to them.

The Panel therefore finds that the third element under the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: December 18, 2025