ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
İş Yatırım Ortaklığı Anonim Şirketi v. Osbil Technology, Osbil Technology Ltd.
Case No. D2025-4514

1. The Parties

The Complainant is İş Yatırım Ortaklığı Anonim Şirketi, Türkiye, represented by Turkticaret.net Yazilim Hizmetleri Sanayi ve Ticaret A.S., Türkiye.

The Respondent is Osbil Technology, Osbil Technology Ltd., Türkiye.

2. The Domain Name and Registrar

The disputed domain name <isyatort.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 30, 2025. On October 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 November 27, 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 December 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Response was filed with the Center on December 5, 2025. The Respondent sent email communications to the Center on November 18, 2025, November 24, 2025, November 26, 2025, December 1, 2025, December 9, 2025, and December 11, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on December 19, 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, İş Yatırım Ortaklığı A.Ş. (İş Investment Trust), is a closed-end investment fund that was established in 1995 by Türkiye İş Bankası A.Ş., one of the largest and well-known banks in Türkiye. The Complainant went public in 1996, and it is listed at the Istanbul Stock Exchange under the name ISYAT. The Complainant invests in capital market instruments, such as equities, stocks, government bonds, treasury bills, fixed income securities, gold, and other precious metals.

The Complainant's founder, Türkiye İş Bankası A.Ş., is the owner of the Turkish trademark registration No. 2012 29994 for İŞ YATIRIM and device, registered on March 29, 2012, in classes 16, 35, 36, and 41, and the Turkish trademark registration No. 2015 95459 for İŞ YATIRIM ORTAKLIĞI and device, registered on May 26, 2016, in classes 9, 16, 17, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

In order to promote its services, the Complainant operates the domain name <isyatort.com.tr> registered on June 28, 2000.

The disputed domain name was registered on October 6, 2025. At the time of filing the Complaint, the disputed domain name resolved to a website that displayed an email address and a message stating that the website was being updated. At the time of this Decision, it resolves to a website displaying a "**YACHT** BUYING, SELLING, RENTING, REPAIR, AND MAINTENANCE SERVICES **COMING SOON**, BOTH HERE AND ON YOUR PHONE!!!" message.

The case file includes the following pre-complaint email correspondences between the Parties. In the email dated October 8, 2025, the Respondent contacted the Complainant and wrote: "I wanted to inform you about isyatort.com, a domain name compatible with finance and investment. The domain name is currently registered by me, and I wanted to contact you because I believe it could potentially contribute to your brand or your digital strategy. If you are interested, I'm open to discussing the transfer or valuation of the domain name. I can share the details if you would like." On October 9, 2025, the Complainant answered by noting that they can consider the subject if the Respondent presents his offer for the transfer of the disputed domain name. To this email, the Respondent replied that he can transfer the disputed domain name in exchange for USD 2,500. The record also shows correspondence between another subsidiary of the Complainant's founder and the Respondent regarding the sale of another domain name by the Respondent in exchange for USD 1,000.

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 contends that the disputed domain name is confusingly similar to the Complainant's trademark.

Second, the Complainant asserts that it was not able to determine that the Respondent had any registered trademark or trade name corresponding to the disputed domain name; the term "isyatort" is an abbreviation of the Complainant's company name; the Respondent was aware of the Complainant's rights and explicitly

contacted the Complainant stating his intention to sell the disputed domain name. Therefore, the Complainant contends that the Respondent clearly intends to profit from selling the disputed domain name.

Third, the Complainant argues that the Respondent purchased the disputed domain name with the clear intention of selling it. In addition, the Complainant contends that the disputed domain name is being used to mislead Internet users.

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 asserts that the disputed domain name was registered in good faith, for a legitimate commercial purpose, and without any intention to target the Complainant or its trademarks. The Respondent's contentions are summarized below:

In his submissions, the Respondent refers to the Complainant's establishment date in 1997 and the date of registration of the Complainant's domain name <isyatort.com.tr> in 2000. The Respondent argues that, although the disputed domain name was available for registration, the Complainant did not register it, which means that they did not want to use the disputed domain name. The Respondent also notes that the term "isyatort" is not a registered trademark of the Complainant.

Moreover, the Respondent states that his purpose of registering the disputed domain name is to contact yacht owners in Istanbul and establish an organization for the leasing and selling of these vacant or unused yachts through a website and application connected to the disputed domain name. The Respondent adds that he has not established a company nor a website yet, and he is currently working on agreements and infrastructure. However, he will establish a company named "İstanbul Yat Ortakları" (in English, "Istanbul Yacht Partners"), and the disputed domain name is an abbreviation of this company name. He also states that this abbreviation is fully independent of the banking or financial sector. He had no intent to confuse, mislead, or disrupt the Complainant, and when he registered the disputed domain name, he was not aware of any claim by the Complainant to the term "isyatort".

The Respondent also notes that after registering the disputed domain name, he started receiving emails that were intended for the Complainant. Therefore, he contacted the Complainant, and following their interest in purchasing and requesting a quote, he accepted their offer and requested USD 2500 for the transfer of the disputed domain name. The Respondent also refers to a previous transaction in May 2025 between himself and another subsidiary of the Complainant's founder for the sale of a domain name.

6. Discussion and Findings

6.1. Procedural Issue: The Admissibility of the Respondent's Multiple Submissions

The Panel notes that the Center formally notified the Respondent of the Complaint on December 3, 2025, and the due date for the Response was December 23, 2025. However, the Respondent sent email communications to the Center on November 18, 2025, November 24, 2025, November 26, 2025, and December 1, 2025. On December 5, 2025, the Respondent submitted his Response and later confirmed that this submission represents his Response in the present proceedings. In addition, the Center received a supplemental filing from the Respondent on December 11, 2025. Pursuant to paragraph 10(d) of the Rules, the Panel has discretionary authority to determine "the admissibility, relevance, materiality, and weight of the evidence" submitted by the Parties.

The Panel considers that these submissions are brief, and in particular, they are all submitted before the due date for the Response. Therefore, their review would not cause any delay to the proceedings. The Panel notes that the Respondent is self-represented in these proceedings. Considering also the procedural fairness, the Panel has exceptionally taken all these submissions into account as part of the record.

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 Panel finds the mark İŞ YATIRIM ORTAKLIĞI and device is recognizable within the disputed domain name. The disputed domain name incorporates the dominant part "iş" of the Complainant's trademark (the Turkish letter "ş" is replaced with the letter "s"), together with the abbreviations "yat" and "ort" that correspond to the two other consecutive words of the said trademark. 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

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. There is no indication or evidence in the record that the Respondent is commonly known by the disputed domain name. In particular, the Complainant sufficiently established that the disputed domain name is not being used in connection with a bona fide offering of goods or services. Although the Respondent submitted a Response, he has failed to rebut the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise. In this regard, the Panel considers the points explained below.

Firstly, the Panel notes that, in addition to the confusing similarity between the disputed domain name and the Complainant's trademark described above, the disputed domain name contains the identical second-level domain with the Complainant's domain name <isyatort.com.tr> used for its official website.

Secondly, the Panel considers the Respondent's assertions on his choice of the disputed domain name as an abbreviation for "Istanbul Yacht Partners" in the Turkish language and his purported plans to establish an organization for leasing and selling unused yachts through a website and application connected to the disputed domain name. The Respondent also claimed that this company and the website have not yet been established, and that he is currently working on agreements and infrastructure. However, despite having adequate opportunity, the Respondent did not submit any evidence to support these assertions, such as evidence of a business plan, related correspondence, or credible investment in website or application development. In other words, the Respondent presented mere contentions without providing any evidence to support his purported plans in relation to the disputed domain name. Accordingly, the Panel finds it very

likely that the Respondent merely raised this argument to create an appearance of rights or legitimate interests in the disputed domain name.

Thirdly, the record shows that only two days after registering the disputed domain name, the Respondent sent an unsolicited email to the Complainant. The Panel also notes the Respondent's statement that he contacted the Complainant following the receipt of emails which are intended for the Complainant. The record shows that in the email dated October 8, 2025, the Respondent did not mention the said emails but promoted the disputed domain name as compatible with finance and investment, and as a potential contribution to the Complainant's brand and strategy. The Respondent also expressed his willingness to transfer the disputed domain name to the Complainant by noting that, if the Complainant is interested, he is open to discussing the transfer and can share the relevant details. Following the Complainant's request for a quote, the Respondent requested USD 2,500. The fact that the Respondent contacted the Complainant only two days after the registration of the disputed domain name is clearly inconsistent with the Respondent's contentions regarding his purported business project. Considering the circumstances of the case, the Panel finds that the Respondent has attempted to exploit the Complainant's trademark by offering to sell the disputed domain name to the Complainant for an amount that is undoubtedly in excess of out-of-pocket expenses directly related to the disputed domain name.

Moreover, the Panel rejects the Respondent's argument that the disputed domain name was available to the Complainant and their failure to register it means that they do not want to purchase it. In the Panel's view, the fact that the Complainant had not registered the disputed domain name does not automatically confer rights or legitimate interests to the Respondent under the Policy.

In conclusion, the Panel finds that the Respondent has failed to prove his demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services and to rebut the Complainant's prima facie case that he lacks rights or legitimate interests in the disputed domain name. 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 considers the following: the Complainant's trademarks and domain name largely predate the registration of the disputed domain name; the disputed domain name contains the identical second-level domain with the Complainant's domain name; the Complainant is highly reputed in Türkiye; as noted under the second element, the Respondent has failed to explain his choice of the disputed domain name; and, only two days after registering the disputed domain name, the Respondent sent an unsolicited email the Complaint for the potential transfer the disputed domain name. Therefore, the Panel finds that the Respondent was aware of the Complainant's trademark at the time the disputed domain name was registered.

The record shows that, only two days after its registration, the Respondent sent an unsolicited email to the Complainant, in which he noted that, if the Complainant is interested, he is open to discussing the transfer of the disputed domain name. In response to the Complainant's request for a quote, the Respondent stated that he could transfer the disputed domain name for USD 2,500. Considering also the absence of the Respondent's rights or legitimate interests in the disputed domain name, the Panel finds that the Respondent's offer to sell the disputed domain name to the Complainant for an amount that is undoubtedly in excess of its out-of-pocket costs is evidence of registration and use of the disputed domain name in bad faith in accordance with paragraph 4(b)(i) of the Policy.

Moreover, the Panel considers that the Respondent's past transaction with another subsidiary of the Complainant's founder on the sale of another domain name in exchange for USD 1,000 is a further element supporting the Respondent's bad faith in the present case. The Panel finds it very likely that, following the success of the said transaction from the Respondent's perspective, he has registered the disputed domain name with the objective of selling it to the Complainant, this time for a higher amount.

As a result, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith with the objective of taking unfair advantage of the Complainant's trademark. Based on the available record, the Panel concludes that the Complainant has established the third element of the Policy.

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 <isyatort.com> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/
Mehmet Polat Kalafatoglu
Sole Panelist
Date: January 2, 2026