

ADMINISTRATIVE PANEL DECISION

El Baik Food Systems Co. S.A. v. khushee khattak
Case No. D2025-4559

1. The Parties

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

The Respondent is khushee khattak, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <albaikmenuae.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 4, 2025. On November 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 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 (Unknown respondent, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 6, 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 7, 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 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025.

The Respondent sent informal communications to the Center on November 7, 2025, and November 11, 2025. The Center sent a possible settlement email to the Parties on November 11, 2025. The Complainant requested suspension by email on November 11, 2025, and the proceedings were suspended until December 11, 2025. The proceedings were reinstated on December 11, 2025, upon the Complainant's request. The due date for Response was January 4, 2026. The Respondent did not submit any formal Response.

The Center appointed Adam Taylor as the sole panelist in this matter on January 15, 2026. 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 an international fast-food chain that was established in Saudi Arabia in 1974. It operates under various marks including AL BAIK.

The Complainant owns a number of registered trademarks for AL BAIK including United Arab Emirates Trademark No. 128901, registered on January 20, 2011, in class 43.

The Complainant has operated a website at "www.albaik.com" since 2001.

The disputed domain name was registered on April 18, 2025.

The disputed domain name has been used for a website that was branded with the Complainant's "Al Baik" logo and headed: "Al Baik Menu and Prices". The site contained photographs of various food items as well as a news section with information relating to the Complainant.

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.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, in an informal email dated November 11, 2025, the Respondent stated that it consented to transfer of the disputed domain name. The Respondent also claimed that it created the website as a fan page to help people find outlets and that the Respondent did not use the disputed domain name for any commercial purpose or profit.

6. Discussion and Findings

6.1 Preliminary Issue: Consent to Remedy

As mentioned in section 5B above, the Respondent has indicated in an informal email that it consents to transfer of the disputed domain name to the Complainant.

Many panels will order transfer solely on the basis of a consent to transfer by the respondent on the record, but panels may still find it appropriate to proceed to a substantive decision on the merits in certain circumstances. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.11.

In this case, the Panel has decided to proceed to a substantive determination because: (i) the Panel finds a broader interest in recording a substantive decision on the merits – e.g., so that other future UDRP can take the matter into account when considering whether there is a pattern of bad faith conduct under 4(b) of the Policy; and (ii) while consenting to the requested remedy, the Respondent has attempted to justify its use of the disputed domain name.

6.2 Substantive Issues

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, 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 entirety of the mark 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, “menu” and “ae”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 recognised 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. The Respondent has not rebutted 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the disputed domain name to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's goods and/or services by impersonating the Complainant. Such use of the disputed domain name is not bona fide.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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.

In the present case, the Panel considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark in accordance with paragraph 4(b)(iv) of the Policy.

Not only does the disputed domain name include the Complainant's distinctive mark plus the terms "menu", very relevant to the Complainant's service, and "ae", denoting the United Arab Emirates, but the Respondent has used the disputed domain name for a website that effectively impersonates the Complainant including by prominent use of the Complainant's mark/logo, as well as by use of product images that appear to have been copied from the menu page on the Complainant's own site.

In these circumstances, the Panel is far from convinced by the Respondent's assertion that it created the website "as a fan page to help people find outlets". Rather, the home page creates the strong impression of an official Complainant website and there is no prominent disclaimer or other indication that the site is operated by anyone other than the Complainant.

In these circumstances, and notwithstanding the Respondent's claim that it did not use the website for any commercial purpose or profit, the Panel considers it reasonable to infer that the Respondent embarked on this scheme with at least the intention of generating some sort of commercial gain. Even if not, the Panel finds that the Respondent's registration and use of the disputed domain name is disruptive to the Complainant, as it is likely to create confusion among Internet users as to source, sponsorship, affiliation, or endorsement, and that this in any event constitutes registration and use in bad faith under paragraph 4(a)(iii) of the Policy.

The Panel finds 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 <albaikmenuae.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: January 29, 2026