

ADMINISTRATIVE PANEL DECISION

Jiyan Mordem Akdogan v. Mesut Erdogan
Case No. D2026-0002

1. The Parties

The Complainant is Jiyan Mordem Akdogan, Germany, self-represented.

The Respondent is Mesut Erdogan, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <xalobae.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 2, 2026. On January 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 7, 2026, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 22, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed amended Complaints on January 13 and 21, 2026, and an amendment to the Complaint on January 22, 2026.

The Center verified that the Complaint together with the amended Complaints and 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 January 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 13, 2026.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on February 18, 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 asserts ownership of rights in the mark XALOBAE, which corresponds to the name of a fictional character originating from an original animated cartoon series created and produced by the Complainant under the studio name “BrokenBrainTV”.

The Complainant contends that the mark XALOBAE has been continuously used and promoted in commerce since at least 2023 through official social media channels and content platforms, including Instagram, TikTok, and YouTube.

In addition to the aforementioned prior use, the Complainant is the owner of trademark registrations and applications for the mark XALOBAE, including filings before the German Patent and Trade Mark Office (Deutsches Patent- und Markenamt, the “DPMA”) and the European Union Intellectual Property Office (“EUIPO”):

Jurisdiction	Number	Trademark	Filing date	Registration date
European Union	019095484	XALOBAE	October 23, 2024	February 20, 2025
Germany	302023233242	XALOBAE	September 5, 2023	November 3, 2023

The disputed domain name <xalobae.com> was registered on October 24, 2024. The disputed domain name redirects to a for sale listing where it is offered for USD 2,988.

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 reply to the Complainant’s contentions.

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 of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 3.1](#), 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.

The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of Paragraph 4(a)(ii) of the Policy.

The Respondent is not affiliated with the Complainant in any way, has never been authorized, licensed, or otherwise permitted by the Complainant to use the name “Xalobae”, and has no trademark or other intellectual property rights that would vest it with rights or legitimate interests in the disputed domain name.

Prior to any notice of this dispute, there is no evidence that the Respondent used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The domain has not been used for any legitimate business, content, or noncommercial activity.

The record before the Panel shows that the Respondent is not commonly known by the name “Xalobae”, neither as an individual, business, nor organization. The name “Xalobae” is a coined, fictional name that originates exclusively from the Complainant’s original animated cartoon series, which has been publicly distributed and promoted since at least 2023 under the brand and social media channels “BrokenBrainTV”.

Furthermore, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Instead, the disputed domain name has been passively held since its registration and offered for sale, which indicates an intent to exploit the Complainant’s prior rights rather than any legitimate interests of the Respondent.

The Panel also finds that the disputed domain name carries a high risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1.

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 notes that the Respondent registered the disputed domain name on October 24, 2024, exactly one day after the Complainant filed an application for the XALOB AE trademark with the EUIPO on October 23, 2024. In such a case, the Panel finds that it is probable and reasonable to conclude that the Respondent registered the disputed domain names to intentionally attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark according to UDRP previous case law. See *Coupang Corp. v. KCAMEDIA Co., Ltd*, WIPO Case No. [D2023-5304](#); *Akiem Holding v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot*, WIPO Case No. [D2023-0188](#); *Essity Hygiene and Health AB v. Daniel Lifveredson, Excore Consulting KB*, WIPO Case No. [D2018-0345](#).

This timing is not coincidental and strongly suggests that the Respondent monitored trademark filings and deliberately targeted the Complainant's mark, opportunistically registering the corresponding domain name upon becoming aware of it. At the time of registration, the Respondent could not have been unaware of the Complainant's prior rights in the XALOB AE mark. "Xalobae" is a distinctive, coined term with no recognized meaning in any language, making any independent adoption of the same name by the Respondent implausible in the extreme. Moreover, the Complainant had already been using the mark publicly in commerce since at least 2023, including through an active presence on major social media platforms such as Instagram, TikTok, and YouTube¹, in connection with its animated cartoon series published under the brand "BrokenBrainTV". The Respondent's registration of a domain name incorporating this distinctive and arbitrary mark, shortly after its trademark application, can only be reasonably explained as a deliberate attempt to target the Complainant's rights.

Furthermore, the Panel visited the disputed domain name and was able to verify that it resolves to a parking page, where the disputed domain name is in a general offer for sale at the amount of USD 2,988. The Panel concludes that the disputed domain name has not been used for any legitimate purpose. Instead, it has been offered for sale, indicating that the primary purpose of registration was to sell or otherwise transfer the disputed domain name to the Complainant for valuable consideration likely to be in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name. Such conduct constitutes classic "opportunistic bad faith" and falls squarely within the circumstances described in paragraph 4(b)(i) of the Policy. The Respondent's registration also prevents the Complainant from reflecting its trademark and fictional character name in a corresponding domain name, further supporting a finding of bad faith. Taken together, the deliberate timing of registration immediately following the EUIPO filing, the lack of any legitimate use, and the offering of the domain name for sale demonstrate that the Respondent registered and is using the disputed domain name in bad faith.

Furthermore, as part of its general powers under paragraphs 10 of the Rules, the Panel undertook limited factual research into matters of public record which it considered useful in assessing the merits of the case and reaching a decision. [WIPO Overview 3.1](#), section 4.8. Limited searches for the Respondent's name revealed prior UDRP proceedings which concluded in findings of bad faith, resulting in the transfer of the disputed domain names to the brand owners. In many of these cases, the Respondent "mesut erdogan" registered the domain names incorporating third party trademarks and offered them for sale at USD 2,850 or USD 2,988, as in the present case. See *Chiesi Farmaceutici S.p.A. v. mesut erdogan and Domain Admin*, WIPO Case No. [D2025-1946](#); *Verisure Sàrl v. mesut erdogan*, WIPO Case No. [D2024-4586](#); *AGAVE*

¹ The Panel visited the Complainant's Youtube account dedicated to the XALOB AE character available at "www.youtube.com/@Xalobae" and was able to verify that it has been registered and in use since December 29, 2021 and has more than 29,400 subscribers. The oldest video of the XALOB AE Youtube channel was posted 4 years ago. See "https://www.youtube.com/watch?v=w4UueR3VzoA".

VENTURES LL.C v. mesut erdogan, WIPO Case No. [D2024-4382](#); *Outfront Media LLC v. mesut erdogan*, WIPO Case No. [D2025-2711](#); *Alstom, ALSTOM Holdings v. mesut erdogan*, WIPO Case No. [D2025-3906](#).

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 <xalobae.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: March 4, 2026