

## **ADMINISTRATIVE PANEL DECISION**

Shaya Mağazacılık Anonim Şirketi v. Celal Yesilyurt  
Case No. D2026-0872

### **1. The Parties**

The Complainant is Shaya Mağazacılık Anonim Şirketi, Türkiye, represented by Morođlu Arseven, Türkiye.

The Respondent is Celal Yesilyurt, Türkiye.

### **2. The Domain Name and Registrar**

The disputed domain name <shayakahve.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 February 27, 2026. On February 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 2, 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 an amended Complaint on March 6, 2026.

The Center verified that the Complaint together with the amended 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 March 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2026. The Response was filed with the Center on March 11, 2026.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on March 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 was established in 2002 as part of M.H. Alshaya Co, which is a corporate group established in 1890 in Kuwait.

The Complainant operates in the food, apparel, beauty, and personal care retail sectors, with over 500 stores and nearly 5,000 employees across 35 cities in Türkiye. Another investment of the Alshaya Group's investment in Türkiye is Shaya Kahve Sanayi ve Ticaret Anonim Sirketi ("Shaya Kahve"), also a subsidiary of Alshaya Group, operates in the coffee sector as the exclusive authorized distributor of Starbucks in Türkiye. The Complainant manages and operates all Starbucks stores throughout the country. Globally, Alshaya Group maintains approximately 4,000 stores, employs 53,000 people from 120 countries, executes over 500 million commercial transactions, and serves 160 million visitors in its stores worldwide.

The Complainant is also the owner of the below trademarks bearing the term "SHAYA" as their main elements before the Turkish Patent and Trademark Office ("TPTO").

SHAYA (Reg. No: 2004 36438) with the registration date of December 21, 2005, in Classes 09, 16, 35, 38 and 43.

SHAYA (Reg. No: 2017 05955) with the registration date of October 12, 2018, in Classes 09, 16, 35, 38 and 43.

The Complainant is the registrant of the domain name <shaya.com.tr>, which was created on June 21, 2002. Moreover, Shaya Kahve, who is the sister company of the Complainant is the registrant of the domain name <shayakahve.com.tr> which was created on December 18, 2013.

The disputed domain name was registered on July 6, 2025. At the time of filing the Complaint and issuing this Decision, the Respondent's website to which the disputed domain name resolves to a parked website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The disputed domain name is confusingly similar to the Complainant's SHAYA trademark in which it has rights.

The Complainant asserts that the disputed domain name is confusingly similar, and at the same time, incorporating the Complainant's well-known trademark SHAYA, and that the addition of the descriptive word "kahve" (which means coffee in Turkish) reinforces the association between the SHAYA domain name and the Complainant's trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. It has not been authorized or licensed by the Complainant to use the SHAYA trademark. The Complainant claims that the Respondent cannot assert that he has made or is currently making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant claims that the Respondent must have known the Complainant's trademark when registering the disputed domain name and that the Respondent has registered and used the disputed domain name for selling at the price of EUR 200,000.

## **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 he registered and holding the disputed domain name in good faith without putting it to use and that the additional term “kahve” creates a different commercial meaning. He registered the disputed domain name as part of a planned coffee-related project which is a creative brand idea. He further claims that he was not aware of the Complainant and its trademark. Therefore, the Respondent concluded that he has not targeted Complainant’s trademark.

The Respondent further asserts that he did not initiate the negotiation for offering to sell the domain name and instead it was the Complainant who asked for an offer to sell the disputed domain name. The Respondent argues that providing a valuation for selling the disputed domain name does not demonstrate that the disputed domain name was registered primarily for the purpose of sale.

Lastly, the Respondent claims for the finding of a Reverse Domain Name High Jacking as the Complainant has used the UDRP proceeding abusively after they failed to purchase the disputed domain name through negotiations.

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove the followings:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith

### **A. Identical or Confusingly Similar**

The Panel finds that the disputed domain name is confusingly similar for the purpose of the Policy to the Complainant’s trademark SHAYA.

The disputed domain name wholly incorporates the Complainant’s distinctive trademark, and the term “kahve” does not prevent confusing similarity. See WIPO Overview of WIPO Panel Views on Select UDRP Questions, (“[WIPO Overview 3.1](#)”), section 1.8.

As regards the generic Top-Level Domain, it is typically disregarded under the confusing similarity test. For the reasons mentioned above, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s SHAYA trademark. The Complainant has thus fulfilled paragraph 4(a)(i) of the Policy.

### **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).

The Panel accepts the Complainant's submissions that the Respondent does not appear to be commonly known by the disputed domain name, has not used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainant to use its trademark.

Rather, the Respondent has used the disputed domain name, which being similar to the Complainant's fanciful mark carries a risk of implied affiliation considering the use of the additional term "kahve" which directly refers to the field of activity of the Complainant in Türkiye. The current passive holding of the disputed domain name does not give rise to any rights or legitimate interests under the circumstances of this case.

In this respect, the Respondent, in its response, contends that the Complainant initiated the discussion regarding the acquisition of the disputed domain name and consequently, upon request of the Complainant, he provided a price for a potential transfer. In his response, the Respondent does not contend that he has offered USD 200,000 for selling the disputed domain name.

In the Panel's view, the Complainant has made out their prima facie case under this element of the Policy and the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, does not appear to be commonly known by the disputed domain name and the Respondent's offer for selling the disputed domain name is likely to be in excess of out-of-pocket expenses.

In the circumstances of this case, and in view of the Panel's discussion below, the Panel finds that the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel accepts the Complainant's assertions that the trademark SHAYA is a well-known trademark.

The incorporation of a well-known trademark into a domain name by a registrant having no plausible explanation for doing so may be, in and of itself, an indication of bad faith (*Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#); *General Electric Company v. CPIC NET and Hussain Syed*, WIPO Case No. [D2001-0087](#); *Microsoft Corporation v. Montrose Corporation*, WIPO Case No. [D2000-1568](#)).

The Respondent has registered the disputed domain name but has not put it to any material use. The domain name currently resolves to a standard landing page and shows no indication of any bona fide commercial or noncommercial activity.

The Complainant's trademark is widely known, including in the Respondent's country of residence, making it unlikely that the registration was coincidental. In any case, a simple search by the Respondent in its own country of residence, would easily reveal the Complainant's activity and its trademarks.

According to the submission of the Complainant, which is acknowledged by the Respondent, the latter offered to sell the disputed domain name for apparently more than out-of-pocket expenses by requesting USD 200,000. From the above behavior of the Respondent and the targeting of the Complainant in light of the composition of the disputed domain name, the Panel concludes that the Respondent has registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or to a competitor of the Complainant.

On the other hand, the Panel observed that the Respondent used a privacy shield. While the Respondent's use of a privacy service will not in itself constitute bad faith under the Policy, the Panel may still take it into account and draw adverse inferences. The use of the privacy shield in this case gives rise to the suspicion that the privacy shield was used to mask the identity of the true registrant for the purpose of selling the disputed domain name.

Therefore, in the view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

#### **D. Reverse Domain Name Hijacking**

Under paragraph 1 of the Rules, Reverse Domain Name Hijacking is defined as "using the Policy in bad faith to attempt to deprive a registered domain name holder of a domain name". The Respondent seeks a formal finding under paragraph 15(e) of the Rules that the present proceedings constitute Reverse Domain Name Hijacking.

Since the Panel decided to transfer the disputed domain name to the Complainant, the Respondent's request for Reverse Domain Name Hijacking is rejected.

#### **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 <shayakahve.com> be transferred to the Complainant.

*/Emre Kerim Yardimci/*

**Emre Kerim Yardimci**

Sole Panelist

Date: April 10, 2026