

ADMINISTRATIVE PANEL DECISION

PERLA POLSKA sp. z o.o. sp. k. v. ADEL Alshamari, PERLA IMPORTS & EXPORTS I.K.E

Case No. D2026-2954

1. The Parties

The Complainant is PERLA POLSKA sp. z o.o. sp. k., Poland, represented by BG Kancelaria prawnopatentowa Wojciech Gierszewski, Poland.

The Respondent is ADEL Alshamari, PERLA IMPORTS & EXPORTS I.K.E, Greece.

2. The Domain Name and Registrar

The disputed domain name <perla-foods.com> is registered with Enartia Single Member S.A. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 6, 2026. On July 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 amendment to the Complaint on July 13, 2026.

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 July 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 12, 2026.

The Center appointed Stefan Bojovic as the sole panelist in this matter on August 17, 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.

On August 19, 2026, the Respondent sent an email to the Center, indicating that it was previously unaware of the Complainant and the ongoing proceedings and requesting extension of time to provide its Response.

On August 28, 2026, the Panel issued Procedural Order No. 1, inviting the Respondent to submit its response by September 2, 2026, and inviting the Complainant to comment on the Respondent's submission (if any) by September 5, 2026. The Parties did not provide any response to the Procedural Order No. 1.

4. Factual Background

The Complainant is a Polish company active in the food sector. According to the Complaint, the Complainant has been operating for more than 20 years and supplies its products, inter alia, to markets in Germany, the United Kingdom, Australia, Colombia, and the United Arab Emirates.

The Complainant is the holder of the International trademark registration No. 1581414 for PERLA (figurative), registered on January 30, 2020.

The Complainant also owns domain name <perlafoods.com>, registered on November 17, 2023, which reflects its PERLA trademark and which is used for its principal website.

The disputed domain name was registered on December 14, 2021, and it resolves to a website operated under the name "perla foods". The website is in Greek and presents the Respondent as a food business offering Greek food products of various third-party producers, including, inter alia, olives, rice, chickpea dip, and other food products. The website also contains contact details including Greek and German telephone numbers.

The Respondent is a Greek company, established on November 19, 2021, and registered for non-specialized wholesale of food, beverages and tobacco.¹

On June 10, 2026, the Complainant's representative sent a cease-and-desist letter to the Respondent concerning the disputed domain name. The letter alleged, inter alia, that the disputed domain name infringed the Complainant's PERLA trademark and that the Respondent's website offered products similar to those of the Complainant. The Complainant requested that the Respondent cease use of the disputed domain name and transfer it to the Complainant. According to the record, the Respondent did not provide a substantive response to the cease-and-desist letter.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its PERLA trademark as it incorporates the trademark in its entirety, with the addition of the term "foods" and a hyphen.

¹The Panel undertook limited factual research into matters of public record in accordance with general powers granted to the Panel under paragraphs 10 and 12 of the Rules (WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8) in order to confirm the Respondent's establishment and company status.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that it has not authorized the Respondent to register the disputed domain name containing the Complainant's PERLA trademark. The Complainant further argues that the Respondent uses the disputed domain name to offer food products, including olives, rice, and chickpea dip, which are similar to products offered by the Complainant. According to the Complainant, such use is likely to mislead Internet users that they are entering the Complainant's website, especially since the only difference between the disputed domain name and the Complainant's domain name <perlafoods.com> is the hyphen.

With reference to the circumstances evidencing bad faith, the Complainant contends that website to which the disputed domain name resolves offers products overlapping with those of the Complainant, including olives, rice, and chickpea dip, and that the Respondent's use of the disputed domain name is therefore likely to create confusion among Internet users as to a possible relationship between the Parties. The Complainant further points to the German telephone number displayed on the Respondent's website and submits that Germany is one of the markets in which the Complainant operates.

B. Respondent

The Respondent did not reply to the Complainant's contention nor to the Procedural Order No. 1. Accordingly, the Panel has not been provided with any substantive submissions from the Respondent.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the Complainant must prove each of the following:

- (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

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 3.1](#), section 1.7.

The Complainant's PERLA trademark is figurative mark that consists of verbal element PERLA in stylized letters and stylized depiction of pepper within the letter "e". Panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) disputed domain name and the textual components of the relevant trademark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. Such design elements may be taken into account in limited circumstances e.g., when the domain name comprises a spelled-out form of the relevant design element. [WIPO Overview 3.1](#), section 1.10.

The Panel, therefore, finds that the verbal element PERLA is the dominant textual component of the Complainant's trademark and is sufficient to establish standing under the first element and that 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 Complainant's PERLA trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "-foods") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

In addition, it is well established that ".com", as a generic Top-Level Domain ("gTLD"), is disregarded in the assessment of the confusing similarity between the disputed domain name and the trademark. [WIPO Overview 3.1](#), section 1.11.1.

The Panel, therefore, finds that 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.

The Panel is mindful that the Respondent has not submitted a Response, despite being given an additional opportunity through Procedural Order No. 1. Lack of formal Response, however, does not relieve the Complainant of its burden of proof, nor does it constitute an admission of the Complainant's allegations. [WIPO Overview 3.1](#), section 4.3

In that sense, the Panel notes, that the record contains circumstances which are relevant to the assessment of the Respondent's possible rights or legitimate interests. In particular, the Registrar identified the Respondent as "ADEL Alshamari, PERLA IMPORTS & EXPORTS I.K.E.", while the website to which the disputed domain name resolves is operated under the name "perla foods" (using a different logo from the one the Complainant uses). The Panel finds that the website presents what seems like a genuine food business offering a range of Greek food products, such as olives, rice, chickpea dip, and other products. The Respondent's business name, the name under which the website on the disputed domain name operates, and the disputed domain name itself, thus form a coherent combination.

For a respondent to demonstrate that it (as an individual, business, or other organization) has been commonly known by the domain name or a name corresponding to the domain name, it is not necessary for the respondent to have acquired corresponding trademark or service mark rights. The respondent must however be genuinely "commonly known" by the relevant moniker (e.g. a corporate identifier), apart from the domain name. Such rights, where legitimately held/obtained, would prima facie support a finding of rights or legitimate interests under the UDRP. [WIPO Overview 3.1](#), section 2.3. As indicated above, the present record contains evidence of actual use of the corresponding name in connection with the Respondent's food business. The Panel, therefore, considers that the Respondent's registered business name, the name under which its website operates, and its use of the disputed domain name provide an indication that the disputed domain name is being used in connection with the Respondent's own business identity.

In connection with the above, the Respondent's food business seems to be a genuine business that was established before the Complainant first contacted the Respondent through cease-and-desist letter on June 10, 2026. The Panel finds that, before notice to the Respondent of the dispute, the Respondent used the name correspondent to the disputed domain name in connection with a bona fide offering of goods. [WIPO Overview 3.1](#), section 2.2.

The Panel further notes that the Respondent does not appear to be using the disputed domain name to offer goods bearing the Complainant's PERLA trademark, nor does the website purport to be operated by or affiliated with the Complainant. Rather, the website appears to offer a range of food products under the Respondent's own "perla foods" name and under various third-party product brands. The fact that certain categories of products offered by the Respondent overlap with products offered by the Complainant does not, in itself, establish that the Respondent's use is not bona fide. The Complainant has not provided evidence establishing that the Respondent adopted the name "perla" in order to trade on the Complainant's trademark, as opposed to using it as part of its own business identity.

Having in mind the above, the Panel finds the second element of the Policy has not 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 3.1](#), section 3.2.1.

In the present case, the Panel notes that the Complainant contends that the Respondent registered the disputed domain name after the registration of the Complainant's PERLA trademark, that the disputed domain name incorporates its PERLA trademark together with the term "foods", which differs from the Complainant's own domain name <perlafoods.com> only by the lack of hyphen, and that the Respondent's website offers products which overlap with products offered by the Complainant. The Complainant further relies on the German telephone number displayed on the Respondent's website and the fact that Germany is one of the markets in which the Complainant operates.

The Panel accepts that the disputed domain name is confusingly similar to the Complainant's PERLA trademark, that the disputed domain name postdates the registration of the Complainant's trademark and that the Respondent's website offers certain categories of food products which overlap with those of the Complainant. These circumstances, however, do not by themselves establish that the Respondent registered the disputed domain name with the Complainant and its trademark in mind.

In particular, the Panel notes that the disputed domain name was registered on December 14, 2021, while the Complainant's domain name <perlafoods.com> was registered only on November 17, 2023. Accordingly, the similarity between the two domain names cannot, as such, support an inference that the Respondent adopted the disputed domain name by reference to the Complainant's domain name. This does not exclude the possibility that the Respondent may have been aware of the Complainant and its PERLA trademark at the time of registration of the disputed domain name. The question before the Panel is, however, whether the available evidence is sufficient to establish, on the balance of probabilities, that the Respondent registered the disputed domain name in order to target the Complainant's trademark.

The Panel does not find sufficient evidence to support such an inference. As previously indicated, the Respondent's registered business name is "PERLA IMPORTS & EXPORTS I.K.E." and its website operates under the name "perla foods". The disputed domain name corresponds closely to the latter name and is used in connection with a food import/export business. The Respondent's use of the disputed domain name is also consistent with an independent business use based on the Respondent's own name and business

activities. Additionally, the Complainant did not provide any evidence on extent of use and recognition of its PERLA trademark at the time of registration of the disputed domain name, that would indicate that the Respondent was likely aware of this trademark. Nor did the Complainant indicate any other circumstances that would further indicate the Respondent's awareness of the Complainant and its trademark. The fact that the registration of the Complainant's trademark predates the registration of the disputed domain name is not, by itself, sufficient to establish bad faith. The Panel therefore finds that the Complainant has not established, on the balance of probabilities, that the Respondent registered the disputed domain name with the Complainant's trademark in mind.

The overlap in the Parties' product categories does not alter this conclusion. Both Parties operate in the food sector, and the Respondent's website under the disputed domain name offers a broader range of food products, including products from third-party brands. While the Parties' offerings overlap in certain categories, including olives, rice, and chickpea products, the record does not establish that the Respondent is selling the Complainant's products, reproducing the Complainant's branding or packaging, or otherwise seeking to represent its goods or services as those of the Complainant. The evidence in the records on file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

Similarly, the presence of a German telephone number on the Respondent's website, without further evidence, does not establish that the Respondent selected the disputed domain name with the Complainant in mind. The Respondent identifies itself as an import and export business, and the presence of a German contact number is not inconsistent with such international business activities.

In light of the above, the Panel finds that the Complainant has not established, on the balance of probabilities, that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

Additionally, the Panel notes that the circumstances of the present case may give rise to concerns on the part of the Complainant regarding the Respondent's use of the disputed domain name under applicable trademark or other laws. Such matters, however, fall outside the scope of the present proceeding, which is confined to the requirements of the Policy. Nothing in this Decision is intended to determine the Parties' rights under applicable national law, and the Decision is without prejudice to any claims or proceedings that either party may pursue before a court or other competent authority.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: September 8, 2026