

ADMINISTRATIVE PANEL DECISION

Dubai Integrated Economic Zones Authority v. Tolstenkov Andrey
Case No. DAE2026-0002

1. The Parties

The Complainant is Dubai Integrated Economic Zones Authority, United Arab Emirates, represented by Gowling WLG (UK) LLP, United Arab Emirates.

The Respondent is Tolstenkov Andrey, Cyprus.

2. The Domain Name and Registrar

The disputed domain name <scality.ae> is registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 26, 2026. On February 26, 2026, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On March 3, 2026, AE Domain Administration (.aeDA) transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 10, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was March 30, 2026. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on April 15, 2026.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on April 20, 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 April 29, 2026, the Panel issued a Procedural Order requesting the Complainant to submit a missing Annex to the Complaint by May 2, 2026, permitting the Respondent to comment thereon by May 5, 2026, and extending the decision due date to May 8, 2026.

4. Factual Background

The Complainant is an agency set up by the government of the United Arab Emirates, the mission of which is to promote, develop and administer the economic zones created in Dubai to attract foreign investments. Scality FZCO, a wholly-owned subsidiary of the Complainant, was created on November 22, 2020, within the United Arab Emirates Free Zone, inter alia to support a start-up incubator initiative under the name SCALITY, pursuant to a program for emerging businesses and innovation-driven ventures.

The Complainant provided evidence that between 2021 and 2025 it was the original owner of the disputed domain name and asserts that its IT department mistakenly allowed it to lapse in late 2025.

The Complainant is the owner of two United Arab Emirates trademarks for SCALITY GLOBAL, respectively No. 413263 and No. 413265, both registered on July 5, 2024 (together hereinafter referred to as "the Mark").

In addition, the Complainant owns and operates the <scalityglobal.ae> domain name, which resolves to its official website.

The disputed domain name was registered by the Respondent when it became available and resolved to a blocked or security generated page. At the time of this Decision, the disputed domain name still resolves to such a warning page.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Rules for a transfer of the disputed domain name.

Notably, the Complainant contends that:

- (i) the disputed domain name reproduces the Mark, in which the Complainant has rights, and is confusingly similar to the Mark;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, was never authorized by the Complainant to use the Mark in any manner and never had any affiliation with the Complainant;
- (iii) the Respondent registered the disputed domain name in bad faith and is also using it in bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Procedural Aspects - Failure to Respond

Pursuant to the Rules, the Panel is empowered to decide a Complaint on the basis of the statements and documents submitted, and it is the Complainant's burden to establish that all of the required criteria for granting the remedy sought have been met.

Under the Rules, a failure by the Respondent to comply with any time period is a ground to accept the claims of the Complainant. As noted above, the Respondent has failed to respond within the time period provided, and accordingly, the Panel is empowered to draw from the Respondent's failure to comply such inferences as it considers appropriate.

Furthermore, the Rules empower the Panel to determine in its sole discretion the admissibility, relevance, materiality and weight of the evidence.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant.

In particular, by failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in the Rules or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name, such as making legitimate noncommercial or fair use of the disputed domain name.

Moreover, as discussed below, the Respondent has failed to provide any exculpatory information or reasoning that might have led the Panel to question the Complainant's arguments that the Respondent has acted in bad faith.

6.2. Substantive Aspects

A. Identical or Confusingly Similar

In comparing the Mark with the disputed domain name, it is evident that the latter consists of the "scalinity" element of the Mark and the country-code Top-Level Domain ("ccTLD") ".ae".

It is well established that a ccTLD does not generally affect the assessment of a domain name for the purpose of determining identity or confusing similarity.

The Panel finds that the disputed domain name is confusingly similar to the Mark, because the Mark is recognizable within the disputed domain name. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.¹

Thus, the Complainant has satisfied the requirement of the first element of the Policy.

B. Rights or Legitimate Interests

Although a complainant bears the ultimate burden of establishing all required elements of the Policy, with respect to a respondent's rights or legitimate interests, this could result in the often impossible task of proving a negative proposition, requiring information that is primarily, if not exclusively, within the knowledge of a respondent.

Thus, the Panel's view is that the Rules shift the burden of production of evidence to the respondent to come forward with evidence of rights or legitimate interests in a domain name, once the complainant has made a

¹Noting the similarities between the Uniform Domain Name Dispute Resolution Policy (the "UDRP") and the Policy, the Panel has referred to prior UDRP cases and the [WIPO Overview 3.1](#), where appropriate.

prima facie showing, as the Panel finds the Complainant has made in this case, based on the facts and arguments set out above. See [WIPO Overview 3.1](#), section 2.1.

As previously noted, the Respondent offered no reason for registering the disputed domain name. There is no evidence that the Respondent is known by the disputed domain name or uses (or has made bona fide preparations to use) the disputed domain name in a business or otherwise.

The nature of the disputed domain name is such that it carries a risk of implied affiliation with the Complainant, since the disputed domain name contains the distinctive element “scality” of the Mark.

No information is provided on what rights or legitimate interests the Respondent may have in the disputed domain name.

To counter any notion that the Respondent has such rights or legitimate interests, the Complainant has argued that the Respondent (i) has no affiliation with the Complainant and (ii) received no authorization from the Complainant to register or use the disputed domain name. In addition, the disputed domain name resolves to a warning page blocking further access. This further shows that the Respondent does not carry any legitimate interests or rights in the disputed domain name.

In the circumstances, the Panel concludes that the Complainant has established the requirement of the second element of the Policy.

C. Registered or Used in Bad Faith

As noted above, the Respondent has failed to provide any exculpatory information or persuasive reasoning that might have led the Panel to question the Complainant’s arguments that the Respondent acted in bad faith by creating confusion to the detriment of the Complainant in registering a domain name confusingly similar to the Mark.

The disputed domain name resolves to a warning page, suggesting it is likely being used for fraudulent purposes; however, even assuming arguendo that the disputed domain name is not actively being used, UDRP Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness of the “scality” element of the Mark and the composition of the disputed domain name (confusingly similar to the Mark and carrying a risk of implied affiliation with the Complainant), and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith.

The Panel also finds it impossible to imagine any plausible future active use of the disputed domain name that would not be illegitimate, considering the specificity of the Complainant’s activity in the innovation ecosystem of the United Arab Emirates.

Furthermore, the Panel notes that the Respondent has been involved as recently as last year in a trademark-abusive domain name registration, involving the trademark of a third party.

Previous UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration, see [WIPO Overview 3.1](#), section 3.1.2.

In the view of the Panel, whilst the Respondent has not yet demonstrated a significant pattern of conduct of taking advantage of trademarks without any right to do so, he is well on his way of becoming a repeat offender.

The Panel concludes, notably in the light of the Respondent's electing not to provide any substantive defense of his position, that the Respondent's registration and use of the disputed domain name constitute bad faith, and that the requirement of the third element of the Rules is also satisfied in this case.

7. Decision

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <scality.ae> be transferred to the Complainant.

/Louis-Bernard Buchman/

Louis-Bernard Buchman

Panelist

Date: May 8, 2026