

ADMINISTRATIVE PANEL DECISION

AEServer FZE v. Emirates Telecommunications Corporation - Etisalat Case No. DAE2026-0011

1. The Parties

The Complainant is AEServer FZE, of United Arab Emirates, represented by John B. Berryhill LLC, United States of America.

The Respondent is Emirates Telecommunications Corporation - Etisalat, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain names <aeserver.ae> and <aeservers.ae> are registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2026. On May 18, 2026, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain names. On May 19, 2026, .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 May 21, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was June 10, 2026. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on June 11, 2026.

The Center appointed Assen Alexiev as the sole panelist in this matter on June 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 registered in the United Arab Emirates in 2012. It was one of the first accredited .ae registrars and is also an ICANN-accredited registrar, which provides web hosting and domain name registration services under the brand AESERVER, continuing the business started in 2005 by the Complainant's sole shareholder, Mr. Badr. The Complainant operates its official website at the domain name <aeserver.com>, registered on April 6, 2005 by Mr. Badr and currently owned by the Complainant. The earliest available records for this domain name at the Wayback Machine, dated May 8, 2005, and November 8, 2007, submitted by the Complainant, show that the associated website offered web hosting and domain name registration services at the time.

The Complainant is the owner of the United Arab Emirates trademark AESERVER with registration No. 339412, registered on February 8, 2021, for services in International Class 42 (the "AESERVER trademark").

The disputed domain names were registered on July 20, 2008. They are currently inactive. The Wayback Machine records for the disputed domain names referred to by the Complainant show that in 2009, the disputed domain names resolved to identical websites that offered language courses and educational services. The DomainTools records for the disputed domain name <aeserver.ae>, submitted by the Complainant, show that on March 21, 2012, it resolved to a website that advertised the domain name registration services of the Respondent.

The Complainant has submitted copies of email correspondence between its owner, Mr. Badr, and representatives of the Respondent, where Mr. Badr requested them to transfer to it the disputed domain name <aeserver.ae>. The submitted correspondence does not show that the representatives of the Respondent responded to this request, although they discussed other matters.

The Respondent has not participated in this proceeding and has not provided information about itself and its activities. According to Wikipedia, it was founded in 1975 in the United Arab Emirates and is currently the 16th largest telecommunications company in the world by number of subscribers. The evidence submitted by the Complainant shows that the Parties are competitors on the market of domain name registration and web hosting services.

5. Parties' Contentions

A. Complainant

The Complainant states that the business carried out through the website at the domain name <aeserver.com> was started in 2005 by Mr. Badr. This business was a pioneer in the domain registration and web hosting services in the United Arab Emirates and became one of the first accredited ".ae" ccTLD registrars in 2008. The Complainant maintains that since the initial registration of the domain name <aeserver.com> in 2005 until today, it has remained under the ultimate sole control of Mr. Badr operating under successive business names until the formal incorporation of the Complainant as the successor of the business, and this business has consistently been identified by the AESERVER brand and has attracted considerable goodwill among the relevant public and within the domain industry.

The Complainant states that the disputed domain names are identical or confusingly similar to its AESERVER trademark, because they reproduce the trademark identically, and the disputed domain name <aeservers.ae> differs from it only by addition of the letter "s".

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain names, because it is not commonly known by them and has not been authorised by the Complainant to use the AESERVER trademark. The Complainant maintains that the AESERVER trademark has no ordinary or generic meaning and has been recognised as distinctively identifying the Complainant's services, which were commenced well prior to the registration of the disputed domain names. According to the

Complainant, given that the Respondent competes with the Complainant in the business of domain name registration and hosting, there is no conceivable bona fide purpose for the Respondent to hold the disputed domain names corresponding to the registered trademark of its competitor. The Complainant adds that the Respondent is not using the disputed domain names for any bona fide purpose, because they do not resolve to functional websites, although they have been configured with name servers operated by the Respondent, and visitors to them encounter DNS errors.

The Complainant notes that the disputed domain names have not resolved to functional websites or been used for any purpose for years. It states that the disputed domain names were briefly used in 2009, to an “e-learning course directory”, then re-directed to a yellow pages directory in 2011, and then briefly to the Respondent’s registry home page in 2012. Thereafter, the use of the disputed domain names ceased, and they have remained inactive until now.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. The Complainant states that its launch of the website at the domain name <aeserver.com> in 2005 and the early establishment of a domain registration and web hosting business in the United Arab Emirates under the AESERVER trademark pre-date the registration of the disputed domain names by the Respondent. According to the Complainant, the continued use (or passive holding) by the Respondent of the disputed domain names, which correspond to the registered trademark of a competitor, suggests a targeted effort by the Respondent constituting bad faith use. The Complainant notes that the Respondent has continued to use two domain names that are identical or confusingly similar to its AESERVER trademark for no purpose other than to send prospective customers of the Respondent to blank pages, which conveys the impression that the Complainant’s website is down and that visitors might then seek alternatives, such as the Respondent.

According to the Complainant, the Respondent’s identity as a direct competitor and its brief historical use of the disputed domain names to direct traffic to the Respondent’s website is a sufficient independent basis for a finding of bad faith. The Complainant also submits that the disputed domain names have been registered to disrupt the Complainant’s business and to prevent the Complainant from reflecting its registered trademark in the “.ae” ccTLD. The Complainant maintains that the Respondent has engaged in a pattern of such activity by registering two variations of the Complainant’s trademark for the purpose of diverting traffic to non-functional domain names.

The Complainant notes that it attempted to resolve this matter directly with the Respondent in 2017, but the Respondent did not to reply, and continued to maintain the registration of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

Paragraph 6(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

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

Given the similarities between the Policy and the Uniform Dispute Resolution Policy (“UDRP”), the Panel considers the applicable sections of the WIPO Overview of WIPO Panel Views on Select UDRP

Questions (“[WIPO Overview 3.1](#)”) relevant to the present matter and will refer to them where appropriate.

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 names. [WIPO Overview 3.1](#), section 1.7.

The Complainant has proven its ownership of the AESERVER trademark, registered in the United Arab Emirates, where both Parties are located.

The Complainant has also submitted convincing evidence that its business under the AESERVER brand was started in 2005 and has continuously been operated until now, and that it has gained a significant market share and media attention in the United Arab Emirates. This supports a conclusion that the AESERVER trademark has gained significance as a source identifier which consumers associate with the Complainant’s services, and that therefore the Complainant has gained unregistered trademark rights in the sign AESERVER for the purpose of the Policy. [WIPO Overview 3.1](#), section 1.3.

Disregarding the “.ae” country code Top-Level-Domain (“ccTLD”) as a functional aspect of the domain name system, both disputed domain names incorporate in full the AESERVER trademark.

The disputed domain name <aeserver.ae> contains no other elements, and is identical to the AESERVER trademark. [WIPO Overview 3.1](#), section 1.7.

The disputed domain name <aeservers.ae> also includes the letter “s”, which does not prevent a finding that it is confusingly similar to the AESERVER trademark. [WIPO Overview 3.1](#), section 1.8.

The Panel therefore finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

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 3.1](#), 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 names. The Respondent has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The disputed domain names are identical or confusingly similar to the AESERVER trademark, and create a high risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1. Furthermore, the Respondent appears to be the most significant competitor of the Complainant in the United Arab Emirates, so it must have been well aware of the Complainant and its business when registering the disputed domain names. For some period of time, the disputed domain names have been used for websites that offered educational services, and one of them promoted the competitive services of the Respondent. Thereafter, they have been inactive. The Complainant approached the Respondent with a request for the transfer of the disputed domain name <aeserver.ae> nine years ago, but received no response or explanation why the Respondent would not agree to such transfer. If the Respondent had a legitimate reason to register and

keep the registration of the disputed domain names, one would expect it to have brought it to the Complainant's attention.

Considering the above, and in the absence of any contrary allegation or evidence submitted by the Respondent, the Panel accepts that it is more likely than not that the Respondent has registered and used the disputed domain names targeting the Complainant's AESERVER trademark in an attempt to create obstacles to its business and to obtain a commercial advantage. Such conduct does not give rise to rights or legitimate interests in the disputed domain names.

Therefore, the Panel finds on balance that the Respondent does not have rights or legitimate interests in the disputed domain names and that the second element of the Policy has been established.

C. Registered or is Being Used in Bad Faith

As already noted, the disputed domain names incorporate the Complainant's AESERVER trademark, one of them without the addition of any other elements, and the other only with the addition of a single letter "s", which creates a significant risk of implied affiliation with the Complainant. The Parties are competitors on the same market and the Respondent must have known the Complainant when deciding to register not one, but two domain names incorporating the Complainant's trademark. The Respondent gives no explanation why it decided to register both disputed domain names and how it intends to use them and did not respond to the Complainant's request to transfer the disputed domain names to it. The evidence on record shows that for a period of time they have been used to promote services unrelated to the Complainant, and then one of them promoted the Respondent's own services that competed with the Complainant. Thereafter, the disputed domain names were held inactive, which may well have created an appearance to visitors of them that the Complainant's business is not operational.

In view of the above, the Panel accepts as more likely than not that the Respondent has registered and used the disputed domain names targeting the AESERVER trademark of the Complainant in an attempt to disrupt the business of its competitor, the Complainant.

The fact that the Respondent has registered two domain names supports a finding that the Respondent has also engaged in a pattern of conduct to prevent the Complainant from reflecting its AESERVER trademark in corresponding domain names in the corresponding ccTLD for the United Arab Emirates, where both Parties operate, which further supports a finding of bad faith conduct by the Respondent.

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 domain names <aeserver.ae> and <aeservers.ae> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Panelist

Date: June 29, 2026