

ADMINISTRATIVE PANEL DECISION

Kocdigital Cozumler A.S. v. Furkan Hasimi Aydin
Case No. DAI2024-0079

1. The Parties

The Complainant is KOCDIGITAL COZUMLER A.S., Türkiye, represented by June Intellectual Property Services Inc., Türkiye.

The Respondent is Furkan Hasimi Aydin, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <kocdigital.ai> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 3, 2024. On December 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 30, 2024, 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, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 2, 2025, 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 January 7, 2025.

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 January 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 29, 2025.

The Center appointed Ahmet Akgüloğlu as the sole panelist in this matter on February 5, 2025. 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 is part of Koç Group of Companies and a technology company that develops products based on its own intellectual property and provides consultancy services in the fields of data, artificial intelligence, and Industry 4.0. Koç Holding which is the mother company of the Complainant is one of the largest industrial and service groups in Türkiye in terms of revenues, exports, share in Borsa İstanbul (Istanbul Stock Exchange), and number of employees.

The Complainant is the owner of the KOÇ DIGITAL trademarks in Türkiye and Benelux countries, which is also the trade name of the company. KOÇ DIGITAL trademark numbered 2004/17761 is registered on May 23, 2005 before the Turkish Patent and Trademark Office; KOÇ DIGITAL trademark numbered 2018/20610 is registered on September 7, 2018, before the Turkish Patent and Trademark Office; and KOÇDIGITAL International trademark numbered 1763696 is registered on July 13, 2023, before WIPO in the name of the Complainant.

The Complainant operates its website via the domain name <kocdigital.com>, which was registered on April 21, 2015. The Complainant is also the owner of the domain name <kocdigital.com.tr> as of February 26, 2018, and has been actively using this domain name since then.

The disputed domain name was registered on March 7, 2024.

The disputed domain name directs to an unused web page only displaying “kocholding.ai”.

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;

(a) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights.

The Complainant alleges that the disputed domain name is confusingly similar to the Complainant's trademarks because it contains the word “koç digital” which is identical to the Complainant registered trademark as well as its trade name. The Complainant also underlined that it has a substantial reputation in terms of “koç” and “koç digital” which will also cause the public to think that the disputed domain name is connected with the Complainant.

(b) The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant submits that the Respondent does not use the disputed domain name in connection with a bona fide offering of goods and services and also is not known by the disputed domain name. Additionally, the Respondent has no relationship with or permission from the Complainant for the use of KOÇ DIGITAL trademarks. The Complainant also underlines that since the Respondent has no legitimate rights regarding KOÇ DIGITAL trademark, only option for the Respondent to register the disputed domain name is to gain

interest from the Complainant well-known status.

(c) The disputed domain name was registered and is being used in bad faith.

According to the Complainant, considering that it is highly likely that the original holder of the disputed domain name is a Turkish citizen, the Respondent knew and is very familiar with the Complainant and Koç Group of Companies. Additionally, the Complainant underlined that KOÇ and KOÇ DIGITAL are well-known trademarks and therefore, it is highly unlikely that the disputed domain name holders were unaware of these trademarks when registering the disputed domain name. Moreover, the disputed domain name contained the wording “kocholding.ai” at the time of the Complaint which shows that the Respondent is aware of the Complainant. Also, the Complainant mentioned that the non-use of a domain name does not prevent the finding of bad faith based on passive holding doctrine.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the complainant prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (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 and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

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 Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

It is uncontested to the Panel that the Complainant has rights to KOÇ DIGITAL trademark as a result of its registrations in different jurisdictions.

The disputed domain name is composed of “kocdigital” and “.ai”. The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel also does not consider the term “.ai” (which is short for the term “Artificial Intelligence”) as it is the Top Level Domain and as such is typically disregarded for purposes of the first element assessment. [WIPO Overview 3.0](#), section 1.11.

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 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 3.0](#), 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.

It is accepted by the Panel that the Respondent has not been authorized by the Complainant to use of its KOÇ DIGITAL trademark. The Panel finds no indication that the Respondent is commonly known by the disputed domain name and the Respondent has not submitted any response to the Complaint in terms of any rights or legitimate interests in the disputed domain name or the registered KOÇ DIGITAL trademarks

The Panel also finds that the Respondent did not use the website, and that the Respondent did not present any evidence to prove bona fide use of the disputed domain name. In this case, the Panel finds the Respondent has failed to rebut the Complainant’s prima facie case that the Respondent does not have any rights or legitimate interest in the disputed domain name.

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 finds that the Complainant’s KOÇ DIGITAL trademark is unique, and given the composition of the disputed domain name and the use of “kocholding” on the webpage, it is inconceivable that the Complainant was not aware of the KOÇ DIGITAL trademark and Koç Group of Companies. The Respondent has chosen to register the disputed domain name despite knowing the Complainant’s well-known trademark. The Complainant operates its websites via the domain names <kocdigital.com> and <kocdigital.com.tr>, which are nearly identical to the disputed domain name. The Panel considers that the Respondent’s choice of the country code Top-Level Domain (“ccTLD”) “.ai” refers to the Complainant’s business in the field of artificial intelligence, which indicates that the Respondent targeted the Complainant and its trademarks. Additionally, the Panel notes that the reported location of the Respondent being in Türkiye strengthens the evaluation of bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, the composition of the disputed

domain name, and the Respondent's failure to file any response, 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 under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

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 <kocdigital.ai> be transferred to the Complainant.

/Ahmet Akgüloğlu/

Ahmet Akgüloğlu

Sole Panelist

Date: February 19, 2025