ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Parvaneh Pty Ltd v. Triton Financial Enterprises Pty Ltd
Case No. DAU2026-0027

1. The Parties

The Complainant is Parvaneh Pty Ltd, Australia, represented internally.

The Respondent is Triton Financial Enterprises Pty Ltd, Australia represented by brandU Legal, Australia.

2. The Domain Name and Registrar

The disputed domain name <pariya.com.au> (the "Disputed Domain Name") is registered with Web Address Registration Pty Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 3, 2026. On September 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 4, 2026, the Registrar 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 .au Dispute Resolution Policy (the "Policy" or ".auDRP"), the Rules for .au Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (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 September 9, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was September 29, 2026. The Response was filed with the Center on September 25, 2026. The Respondent also sent informal communications to the Center on September 9, 2026.

The Complainant filed a supplemental filing on September 29, 2026, and the Respondent filed a supplemental filing on September 30, 2026.

The Center appointed Nicholas Weston, Warwick A. Rothnie and Andrew F. Christie as panelists in this matter on October 20, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statements 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 a proprietary company based in Sydney, New South Wales, that operates a food business stocked by major retail channels in Australia including David Jones, Woolworths, and Coles, and internationally through Selfridges, Harvey Nichols and Fortnum & Mason in the United Kingdom, Le Bon Marché in Paris, Dean & DeLuca in New York, and Qatar Duty Free. The Complainant states that it "commenced business in Australia in 1994 and adopted PARIYA as its commercial identifier in or around 2002."

The Complainant is the owner of Australian Registered Trade Mark No. 948218 in figurative form, consisting of PARIYA and Persian script characters which translate in English to the word "fairies", registered with effect from March 25, 2003 in classes 29, 30, 32, and 43 which cover meat, fish, poultry and game; preserved, dried and cooked fruits and vegetables; pastry and confectionery, jellies, coffee, tea, non-alcoholic drinks; and services for providing food and drink, amongst other things.

The Complainant is also the owner of the domain name <pariya.com>, which hosts its website.

The Respondent is an Australian company incorporated in New South Wales in 2009 that was operating prior to 2017 as a mortgage broker trading as "mybrokeronline.com.au" which was registered as a business name on February 9, 2015. The Respondent company's current sole director, Viktor Desovski, is the husband of its current company secretary, Pariya Taherzadeh-Desovski ("Pariya TD"), a freelance podcast producer and voiceover artist. According to a current and historical company extract from Australian Securities and Investments Commission's (ASIC's) records, Pariya TD was appointed as director and secretary of the Respondent on August 18, 2017, ceased to hold those offices on October 18, 2017, became the sole director and secretary on April 23, 2020, then ceased as a director on May 8, 2026, but, as noted above, continues to be the company secretary.

The Disputed Domain Name <pariya.com.au> was registered on November 8, 2016, and resolved at the time the Complaint was filed to a website associated with the personal and professional profile of Pariya TD. The Respondent acquired an email service associated with the Disputed Domain Name on January 21, 2017 and registered the business name "talent@pariya" on December 16, 2020.

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.

The Complainant cites its Australian trade mark registration as prima facie evidence of ownership. It also cites its registrations of the business names "Pariya" in 2012 and "Pariya Food" in 2003 (which lapsed at some point and was re-registered in 2021).

The Complainant submits that its rights in the mark PARIYA predate the Respondent's registration of the Disputed Domain Name <pariya.com.au>. It submits that the Disputed Domain Name is identical or confusingly similar to its trade mark, because the Disputed Domain Name incorporates in its entirety the PARIYA trademark and that the identity is not removed by the addition of the Second-Level Domain Suffix ("2LD" or "2LD suffix") ".com.au".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because although "Pariya is Ms Taherzadeh's given name … the Respondent, [is] Triton Financial Enterprises Pty Ltd" and there is "no evidence that, at the time of registration of the [D]isputed [D]omain [Name] in November 2016, the Respondent was carrying on business under the name PARIYA, or that Ms Pariya Taherzadeh was conducting a business or professional activity under PARIYA as a commercial identifier". The Complainant also contends that the Respondent's later registration of

“talent@pariya” as a business name and the later website primarily demonstrate use by Pariya TD personally or through other entities, rather than by the Respondent.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and Rules. On the issue of registration, the Complainant relies on its prior trade mark rights, an asserted absence of Respondent eligibility under the .au allocation rules at registration, and contends that the Respondent’s representations or warranties as to eligibility or third-party rights given on application or renewal were, or subsequently became, false or misleading contrary to paragraph 4(b)(v) of the Policy.

On the issue of use in bad faith, the Complainant contends that “the Complainant's longstanding prior use and registered rights in PARIYA; the exact-match character of the [D]isputed [D]omain [Name]; repeated actual commercial confusion involving communications intended for the Complainant; demonstrated knowledge of that confusion by November 2025; express notice in May 2026 that the problem was broader and recurring; and the continued use of the [D]isputed [D]omain [Name] thereafter” amount to use in bad faith.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the Disputed Domain Name.

The Respondent disputes that the Complainant’s figurative trade mark is identical to the Disputed Domain Name, contending that it is “a figurative mark incorporating Persian-script characters (endorsed by IP Australia as translating into English as ‘FAIRIES’), rather than a plain English word mark for PARIYA”.

The Respondent contends that the Disputed Domain Name was selected to correspond with the given name of the individual whose services were promoted both by the person herself, and by the Respondent. It also relies upon the Respondent’s registration of “talent@pariya” as a business name, its payment for the Disputed Domain Name, email and hosting services, and evidence from Pariya TD that the Respondent invoiced clients for her professional services. The Respondent contends that these matters support a finding of rights or legitimate interests, particularly under paragraph 4(c)(i) of the Policy and says: ”[t]he Respondent is making legitimate, genuine use of the [D]isputed [D]omain [N]ame in connection with Ms Taherzadeh-Desovski's own professional services, without any intent for commercial gain misleadingly to divert consumers away from the Complainant or to tarnish the Complainant’s mark, and with no reference anywhere on the site to the Complainant, its mark or its products”.

The Respondent denies that it registered or subsequently used the Disputed Domain Name in bad faith. It says that it was unaware of the Complainant when the Disputed Domain Name was registered, that “‘Pariya’ is an ordinary Persian given name” chosen because it is closely and substantially connected to the registrant, that the parties carry on activities in unrelated industries, and that its website has never attempted to pass itself off as the Complainant. It attributes the misdirected correspondence principally to senders confusing “.com” with “.com.au” and points to Pariya TD’s re-direction on November 2, 2025, of an order to the Complainant. The Respondent also relies on the Complainant’s purchase of a backorder service for the Disputed Domain Name in 2020 and subsequent renewal, and asks the Panel to make a finding of Reverse Domain Name Hijacking (“RDNH”).

6. Discussion and Findings

6.1 Unsolicited Supplemental Filing

On September 29, 2026, the Complainant made an unsolicited supplemental filing, which it characterised as responding to new factual and documentary material introduced in the Response. On September 30, 2026, the Respondent filed an objection to admission of the Complainant’s supplemental submission and, in the alternative, sought leave to reply.

Paragraph 12 of the Rules provides that "[i]n addition to the complaint and the response, the Panel may request or permit, in its sole discretion, further statements or documents from either of the Parties". Paragraphs 10(b) and (c) of the Rules require the Panel to ensure that "the Parties are treated with equality and that each Party is given a fair opportunity to present its case" and that "the administrative proceeding takes place with due expedition".

The Panel notes that the Complainant's supplemental filing responds to specific allegations and evidence in the Response in relation to the historical account given by the Respondent and the distinction drawn between the rights or interests of Pariya TD personally and those of Triton Financial Enterprises Pty Ltd as the registered holder of the Disputed Domain Name. The Panel notes that these matters are directly relevant to the second and third elements of the Policy. The supplemental filing also identifies the filing date of September 11, 2026, for the Respondent's application to register the trade mark PARIYA in Australia which occurred after the Complaint was filed on September 3, 2026. These matters either could not reasonably have been anticipated in light of the case subsequently advanced by the Respondent or been addressed when the Complaint was filed. The Panel has also considered the Respondent's detailed objection addressing the scope, admissibility and asserted significance of the supplemental material and its request for leave to reply. The Respondent has therefore had an opportunity to identify and address the matters to which it objects.

In these circumstances, the Panel considers that admitting the supplemental filing without inviting a further response is consistent with the requirements of procedural fairness, equality of treatment and expedition. The Panel accordingly admits the Complainant's supplemental filing into the record, accords it such weight as is appropriate, and declines the Respondent's request for leave to file a further response.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that, for the Complainant to succeed, it has the burden of proving the following:

(i) that the disputed domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and

(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 or subsequently 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. auDA Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any jurisdiction. auDRP Overview 2.0, section 1.2.1. The Respondent's point that the mark is figurative and includes Persian script does not assist it. Figurative and design elements are generally incapable of representation in a domain name and are disregarded; the comparison is made with the dominant textual element of the mark, which is the word PARIYA. auDRP Overview 2.0, section 1.10.1. The Complainant has produced sufficient evidence to demonstrate that it has registered rights in the trade mark PARIYA.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the PARIYA trademark, the Panel observes that the Disputed Domain Name <pariya.com.au> is comprised of: (a) the Complainant's trademark; (b) followed by the 2LD suffix ".com.au".

It is well established that the 2LD suffix used as part of a domain name is generally disregarded under the first element confusing similarity test. auDRP Overview 2.0, section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "pariya".

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. auDRP Overview 2.0, section 1.7.

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

B. Rights or Legitimate Interests

Given the Panel's findings below on bad faith registration or use, it is not necessary to consider the element of rights or legitimate interests.

C. Registered or Subsequently 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. Unlike the position under the UDRP, this is not a conjunctive requirement. It is sufficient to establish only one or the other.

In the present case, the Panel notes that the Complainant contends that the Disputed Domain Name "resolves to a website centred upon Ms Taherzadeh personally and professionally. The homepage prominently identifies her as 'Pariya Taherzadeh' and describes her in the first person as an audio producer, content creator, voice-over artist, storyteller and freelance podcast producer. The podcast-production pages offer services in the first person, including under the headings 'What services do I offer?' and 'Why choose me over another podcast producer in Australia?'. A separate voice-over page promotes Ms Taherzadeh by name as a voice-over artist, refers visitors to 'Pariya's demo reels and past works', and invites them to 'contact Pariya' to hire her. The website also displays a stylised cursive 'Pariya' signature beneath Ms Taherzadeh's photograph. The contact page provides the email address talent@pariya.com.au."

Applying the Policy, evidence of use in bad faith will be shown under paragraph 4(b)(iv) of the Policy where by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location. 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 or subsequent use of a domain name is in bad faith. auDRP Overview 2.0, sections 3.1.6 and 3.2.

On the issue of registration, the Disputed Domain Name wholly incorporates the PARIYA trademark with no other element besides the 2LD suffix ".com.au". The Disputed Domain Name was registered many years after the Complainant obtained its PARIYA trademark registration. However, the Panel finds that the Respondent did not target the relevant trade mark. The evidence in the case 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. The Respondent's evidence is that it registered the Disputed Domain Name in its own name on November 8, 2016, and 74 days later bought a personal email service for it which Pariya TD used from January 2017. The Respondent has provided an evident and credible explanation for the choice of the Disputed Domain Name which does not depend upon the Complainant or its trade mark. The name "Pariya" is a traditional Persian name and it is the given name of a person involved in the Respondent company, who is the spouse of the person who was the Respondent's sole director when the disputed domain name was registered and is currently its sole director again. The Complainant does not contest that "Pariya" is the given name of Pariya TD. The Complaint contains evidence of a food brand with modest Australian retail distribution, some overseas stockists and historical publicity but it does not establish the financial scale of the business. However, it supports a finding that the name was not so well known (particularly outside the field of specialty food products) that the Respondent (or either Pariya TD or her

husband) should be taken to have known of it when registering the Disputed Domain Name. There is no evidence that the Respondent and the Complainant had any previous dealings, that they were competitors, or that the Respondent sought to register a name associated with the Complainant's goods or services.

On the issue of use, the Complaint shows that the Disputed Domain Name resolved to a webpage showing (at the time that the Complainant visited it prior to filing the Complaint) a substantive personal and professional website for Pariya TD as an audio producer and voice-over artist. The Complainant has also provided evidence of its use of the PARIYA trademark today. However, the Disputed Domain Name consists of a Persian given name that also means (to those who understand Persian) the dictionary word "fairies", and a 2LD suffix. There is no evidence on the record that the Disputed Domain Name is being used in connection with the Complainant's trademark or the types of goods which the Complainant offers. The evidence of the reputation of the PARIYA mark does not give rise to such an inference. Nothing in the Complaint indicates any attempt to sell, rent or otherwise transfer the Disputed Domain Name. There is no evidence that the Disputed Domain Name was registered primarily for the purpose of disrupting the business or activities of the Complainant or anyone else. Nothing on the Respondent's website has referred to food, the Complainant, or any of the goods and services specified in the Complainant's trademark registrations. While there is evidence of actual customer confusion between the Disputed Domain Name and the PARIYA trademark, much of the correspondence reflects senders' own addressing errors, adding ".au" to the Complainant's ".com" address, rather than establishing that the Respondent intentionally attempted to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion. The Complainant's own evidence shows that Pariya TD told the customer it was the wrong address and copied the Complainant.

The Complainant contends that continued use after actual knowledge of the confusion (from November 2, 2025, and after a letter sent on May 28, 2026, went unanswered) is use in bad faith. This is not the case where the Respondent's primary intent appears to be to use the domain name for goods and services different to those of the Complainant and the Disputed Domain Name appears to be used in connection with services well outside the scope of the Complainant's activities and without intent to divert Internet users who are seeking out the complainant. auDRP Overview 2.0, section 3.2.1.

The Complainant's pre-action letter was couched as an invitation to discuss resolution rather than a demand. The fact that a registrant failed to respond to a Complainant's demand letter would typically reinforce a view that a respondent has acted in bad faith. auDRP Overview 2.0, section 3.2.6. However, the pre-action letter was not a demand letter as such and the Respondent's continued use of the Disputed Domain Name does not, of itself, convert its use into bad faith absent evidence of targeting or exploitation. The Policy is directed at bad faith registration and use, not at resolving competing interests in a shared name.

Further, the Complainant has not established that any of the Respondent's representations or warranties as to eligibility or third-party rights given on application or renewal are, or have subsequently become, false or misleading in any manner, noting the distinction between a failure on the present record conclusively to establish historical eligibility and an affirmative finding that an eligibility warranty was false or misleading. Paragraph 4(b)(v) requires the latter and it is the Complainant's burden.

The Complainant relies on *Peachbulk Pty Ltd v Domain Boutique Pty Ltd*, WIPO Case No. DAU2020-0013, in which the majority found an eligibility warranty false where a domain broker, which had bought the name at auction and offered it for sale, had no qualifying connection to it and later erected a sham website. The uncontested evidence in this case is quite different. Here, the Respondent registered the Disputed Domain Name in its own name on November 8, 2016, and then acquired an email service that Pariya TD has used since January 2017. Further, there is evidence that, from at least September 2018, the Respondent has paid for services supplied in connection with Pariya TD's professional activities. The Complaint goes no further than to say that the Complainant has "identified no contemporaneous basis" for eligibility in November 2016, and adduces no evidence directed to the position at any renewal, whether under Policy 2012-04 or, after April 12, 2021, the .au Licensing Rules. On that record the Panel is not satisfied that the warranty given on registration or on any renewal was false or misleading. auDRP Overview 2.0, sections 2.1.6, 3.1.5 and 3.9. Accordingly, the Panel is unable to conclude from the record that the Disputed Domain Name has been registered or subsequently used in bad faith.

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

D. Reverse Domain Name Hijacking

The Respondent requests that the Panel make a finding of Reverse Domain Name Hijacking in light of the following matters: (i) the Complainant's own written acknowledgement that Ms Taherzadeh-Desovski's given name is Pariya; (ii) the Complainant's own evidence of a pattern of mis-directed correspondence extending back to 2017 of which it was long aware; (iii) the Complainant's repeated attempts since December 2020 to acquire the Disputed Domain Name through the registrar's backorder service; and (iv) an unexplained delay of almost six years before the Complaint was filed.

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute Reverse Domain Name Hijacking. auDRP Overview 2.0, section 4.16.3.

The Panel has not accepted a number of assertions in the Complaint but does not consider that any of those assertions were made in bad faith. The fact that the Disputed Domain Name incorporates a given name does not insulate it from challenge under the auDRP. The Complainant has longstanding registered rights in the Persian word PARIYA. It has provided substantial evidence of genuine commercial use of that name and of correspondence intended for its business being misdirected to addresses at the Disputed Domain Name. The Complainant's earlier purchase of a backorder service does not, of itself, establish bad faith. Also, auDRP panels have long recognised that the doctrine or defence of laches (delay) does not generally apply under the auDRP.

Therefore, the Panel does not find that the Complaint was brought in bad faith nor that it constitutes an abuse of the administrative proceeding.

7. Decision

For all the foregoing reasons, the Complaint is denied.

/Nicholas Weston/
Nicholas Weston
Presiding Panelist

/Warwick A Rothnie/
Warwick A Rothnie
Panelist

/Andrew F. Christie/
Andrew F. Christie
Panelist
Date: November 3, 2026