

ADMINISTRATIVE PANEL DECISION

MBC FZ IP LLC v. medo ali

Case No. DCO2023-0026

1. The Parties

The Complainant is MBC FZ IP LLC, United Arab Emirates, represented by Al Tamimi & Company, United Arab Emirates.

The Respondent is medo ali, Egypt.

2. The Domain Name and Registrar

The disputed domain name <shahidmosalsalat.co> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2023. On March 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 2023, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 16, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Center received an email communication from the Respondent on March 19, 2023. The Complainant filed an amended Complaint on March 20, 2023. The proceeding was suspended on March 28, 2023, and was reinstituted on April 28, 2023.

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 May 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2023. The Respondent did not submit any response. The Center notified the commencement of Panel appointment process on May 24, 2023.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on May 30, 2023. 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 one of the Arab world largest television broadcaster. Based in Dubai, in the United Arab Emirates, the MBC group includes 11 television channels.

Part of MBC group is "Shahid" which is one of the world's leading Arabic streaming platform showing a variety of exclusive Arab series, movies and premiers along with top watched live TV channels.

The SHAHID trademarks (word mark and logo) all owned by the Complainant are registered in numerous countries worldwide across the Arab world, *i.e.* the Middle East, Levant countries and North Africa, also in Europe, Asian countries and the United States of America.

The Complainant currently owns a multitude of trademarks all including the SHAHID brand, such as:

1. The SHAHID logo and word mark of "shahid.net" in English alongside SHAHID word mark in Arabic, registered since 2013 in the United Arab Emirates in classes 16, 35, 38, 41 and 42; and
2. The rebranded SHAHID logo in Arabic registered since 2020 in the United Arab Emirates in classes 9, 38, 41 and 42.

Details of all SHAHID registered trademarks are provided in Annex 5 to the Complaint.

The Complainant also owns several domain names containing the SHAHID trademark, such as: <shahidstage.co>, <shahidproject.com>, <shahidplus.net> and many others.

The disputed domain name <shahidmosalsalat.co> was registered on April 7, 2021 and resolves to a website with content similar to the content of the Complainant's "Shahid" platform and shows the Complainant's SHAHID trademark in Arabic.

5. Parties' Contentions

A. Complainant

The term "Shahid" means "watch" in Arabic. The word "mosalsalat" translates to "series" or "shows" in English. Accordingly, any Arabic reader/speaker would immediately associate the disputed domain name as a whole to the Complainant's streaming platform "www.shahid.mbc.net".

The Complainant, in essence, claims that the disputed domain name is confusingly similar with the trademark SHAHID in which the Complainant has rights, and that the Respondent has no rights or legitimate interests in the disputed domain name, which was registered and is being used in bad faith.

More specifically, the Complainant has no relationship or affiliation with the Respondent.

The Complainant has not authorized or licensed the use of the trademark SHAHID to the Respondent or to register a domain name containing it.

The Respondent is fraudulently and intentionally attracting customers for commercial gain, by creating confusion with the Complainant's mark, using the disputed domain name as an official Complainant's contact means.

Finally, the Complainant requests the Panel to issue a decision ordering 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

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with 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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

As set forth in section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") the standing test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name to determine whether the disputed domain name is confusingly similar with the trademark. The test involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Panel considers that the disputed domain name is confusingly similar to the Complainant's SHAHID trademarks.

The disputed domain name incorporates the Complainant's trademark SHAHID in its entirety with the addition of the term "mosalsalat", which does not prevent a finding of confusing similarity between the Complainant's trademark SHAHID and the disputed domain name. Section 1.8 of the [WIPO Overview 3.0](#) indicates that, where the relevant trademark is recognizable within the disputed domain name, as it clearly is in this case, the addition of other terms would not prevent a finding of confusing similarity under the first element.

The ".co" Top-Level Domain ("TLD") and country code for "Colombia" is viewed as a standard registration requirement and is generally disregarded under the first element confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark SHAHID and that the requirements of paragraph 4(a) of the Policy are fulfilled

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out the following several circumstances which, without limitation, if found by the Panel, shall demonstrate that the respondent has rights to or legitimate interests in a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

- before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or
- the respondent (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if the respondent has acquired no trademark or service mark rights; or
- the respondent is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant has proved that it owns the SHAHID trademark. There is no indication that it has licensed or otherwise permitted the Respondent to use any of its trademarks, nor permitted the Respondent to apply for or use any domain name incorporating its trademarks.

There is no evidence in the present case that the Respondent has been commonly known by the disputed domain name, enabling it to establish rights or legitimate interests therein. The name of the Respondent does not resemble the disputed domain name in any manner.

Furthermore, there is no evidence in the file to prove any of the circumstances mentioned in paragraph 4(c) of the Policy, nor any other element to prove that the Respondent has legitimate interests or that it has established rights in the disputed domain name.

The Panel finds that the Complainant has made out a *prima facie* case, a case calling for an answer from the Respondent. The Respondent has not responded and the Panel is unable to conceive of any basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the disputed domain name.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been fulfilled.

C. Registered and Used in Bad Faith

The Panel is satisfied that the Respondent must have been aware of the Complainant's trademarks SHAHID mentioned in section 4 above (Factual Background) and also the Complainant's official platform "www.shahid.mbc.net" when it registered the disputed domain name on April 7, 2021. By that time, the Complainant had registered and widely used the trademarks SHAHID for many years.

By registering the disputed domain name, the Respondent was targeting the Complainant and its business by incorporating the Complainant's trademark SHAHID in the disputed domain name in its entirety. The addition of the word "mosalsalat" which in English translates to "series" only contributes to enhance confusion among people who are conversant in Arabic, since it is descriptive of the content of the Complainant's streaming platform "www.shahid.mbc.net".

The fact that there is a clear absence of rights or legitimate interests coupled with no explanation for the Respondent's choice of the disputed domain name, the nature of the disputed domain name and the fact that it resolves to a webpage with content similar to that offered by the Complainant, are indicative of bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

The Panel finds that the Respondent registered and is using the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been fulfilled.

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 <shahidmosalsalat.co> be transferred to the Complainant.

/Miguel B. O'Farrell/

Miguel B. O'Farrell

Sole Panelist

Date: June 13, 2023