

ADMINISTRATIVE PANEL DECISION

Keppel Corporation Limited v. Dharshinee Naidu, World News Pte Ltd
Case No. D2023-2842

1. The Parties

The Complainant is Keppel Corporation Limited, Singapore, represented by Amica Law LLC, Singapore.

The Respondent is Dharshinee Naidu, World News Pte Ltd, Singapore.

2. The Domain Name and Registrar

The disputed domain name <keppel.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2023. On July 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 5, 2023, 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 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 July 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 18, 2023.

The Center appointed Karen Fong as the sole panelist in this matter on August 23, 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 was founded in 1968, when Keppel Shipyard Pte Ltd was incorporated to manage the dockyard assets at Keppel Harbour in Singapore as part of the Singapore government's efforts to privatise Singapore's ship repair industry. Since then, the Complainant has expanded and diversified into overseas ventures, land holdings, property and real estate developments and investments, infrastructure and banking/financial business lines. In the early 2000s, it consolidated and divested some of its businesses in order to become a global asset manager and operator. The Complainant was listed on the Singapore Stock Exchange in 1980, and underwent a name change to its current name. Presently, the Complainant and its group companies operate in more than 20 countries providing critical infrastructure and services for renewables, clean energy, decarbonization, sustainable and digital connectivity, and fund management. The Complainant is recognized by the Singapore government as being crucial to the development of Singapore's economy and reputation abroad.

Through its long history, the Complainant has established goodwill and reputation in the KEPPEL trade mark since at least the 1970s. The public has come to associate KEPPEL with the Complainant and the Keppel group of companies. The KEPPEL trade mark is also registered in many jurisdictions. Some of the earliest trade mark registrations for KEPPEL submitted in evidence are as follows:

- Malaysia Trade Mark Registration No. 4007690 dated June 7, 2004;
- Mexico Trade Mark Registration No. 879412 dated April 28, 2005;
- Singapore Trade Mark Registration No. T0408192A dated September 15, 2005;

(together, individually and collectively referred to as the "Trade Mark").

The Complainant's main website is at "www.kepcorp.com".

The Respondent appears to be based in Singapore. The Domain Name was registered on June 27, 1997. The Domain Name redirects to the website "https://wn.com/Keppel/news" which is operated by World News Inc (the "Website"). The registrant organization for the Domain Name is World News Pte Ltd. The Website provides a range of media articles from media outlets like Yahoo, The Los Angeles Times, and the Daily Mail in relation to the term "Keppel" and this includes articles about the Complainant. The Website also has a hyperlink which provides for offers to purchase the Domain Name and other domain names.

The Complainant made an initial offer to purchase the Domain Name for USD 10,000 on May 11, 2023. The Respondent responded on May 22, 2023, to say that it will only consider offers over USD 150,000.

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 Domain Name.

Notably, the Complainant contends that the more than 20 year time period between the Domain Name registration and the filing of the Complaint should not bar the Complaint nor detract from its merit as there is no detrimental reliance by the Respondent in this case. Rather the Respondent has benefitted from the Complainant's delay.

B. Respondent

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

6. Discussion and Findings

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Based on the available record, the Panel finds the Complainant has also established unregistered trade mark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the entirety of the Trade Mark is reproduced within the Domain Name. Accordingly, the Domain Name is identical to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, 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.

While 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 often impossible 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. 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 record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

Based on the available record, 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 notes that the Respondent must have been aware of the Trade Mark when registering the Domain Name particularly being based in Singapore where the Trade Mark is very well known as one belonging to the Complainant.

The fact that there is a clear absence of rights or legitimate interests coupled with no explanation for the Respondent's choice of the Domain Name is also a significant factor to consider (as stated in section 3.2.1 of [WIPO Overview 3.0](#)). In light of the above, the Panel finds that registration is in bad faith.

The Panel also finds that the actual use of the Domain Name is in bad faith. The Domain Name redirects to the website “<https://wn.com/Keppel/news>” which provides a range of media articles from various sources and includes click through tabs on the bottom of the Website that have been presumably set up for the commercial benefit of the Respondent. It is highly likely that Internet users when typing the Domain Name into their browser, or finding it through a search engine would have been looking for a site operated by the Complainant rather than the Respondent. The Domain Name is likely to confuse Internet users trying to find the Complainant’s website. Such confusion will inevitably result due to the fact the Domain Name contains the Complainant’s distinctive Trade Mark in its entirety.

The Respondent employs the reputation of the Trade Mark to mislead Internet users into visiting the website at the Domain Name instead of the Complainant’s website. From the above, the Panel concludes that the Respondent intentionally attempted to attract for commercial gain, by misleading Internet users into believing that the Respondent’s Website is that of or authorised or endorsed by the Complainant which is bad faith under paragraph 4(b)(iv) of the Policy.

The Domain Name also includes a tab which directs to a page offering the Domain Name for sale. In prior correspondence with the Complainant’s representatives, the Respondent has offered to sell the Domain Name for an amount exceeding the costs directly related to the registration of the Domain Name. This is evidence that the Respondent has registered the Domain Name primarily for the purpose of selling as set out in paragraph 4(b)(i) of the Policy.

Further, the Panel also notes that the Respondent has been on the wrong side of another UDRP case concerning a third party brand owner which has resulted in the domain name being ordered to be transferred (See *Amicus Trade Ab v. Dharshinee Naidu*, WIPO Case No. [D2014-0418](#)). This is an indication that the Respondent is a serial cybersquatter and is engaged in a pattern of bad faith conduct which is an example of bad faith contained in paragraph 4(b)(ii) of the Policy ([WIPO Overview 3.0](#), section 3.1.2).

Accordingly, the Complaint has satisfied the third element of the UDRP, *i.e.*, the Domain Name was registered and is being used in bad faith under paragraph 4(a) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 Domain Name, <keppel.com>, be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: September 10, 2023