

ADMINISTRATIVE PANEL DECISION

Amadeus IT Group, S.A. v. Tarek Hassib
Case No. D2024-2455

1. The Parties

The Complainant is Amadeus IT Group, S.A., Spain, represented by Ubilibet, Spain.

The Respondent is Tarek Hassib, Egypt.

2. The Domain Name and Registrar

The disputed domain name <amadeusbahrain.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 17, 2024. On June 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 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 (Privacy Protect) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 2024, 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 June 21, 2024.

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 June 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 18, 2024. The Respondent sent email communications to the Center on June 28, 2024, and on July 10, 2024.

On July 10, 2024, the Center sent a Possible Settlement email to the Parties inviting the Complainant to submit a request for suspension by July 17, 2024, to implement a settlement agreement between the Parties.

On July 17, 2024, the Center received email communication from a third party.

The Center acknowledged receipt of the third-party communication. Having received no communication from Complainant, the Center, pursuant to paragraph 6 of the Rules, informed the Parties that it would proceed with the panel appointment process on July 19, 2024.

The Center appointed John Swinson as the sole panelist in this matter on July 25, 2024. 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 a technological company operating in the global travel sector. The Complainant was founded in 1987, in Spain and currently operates in over 180 countries, with a worldwide team of over 15,000 people. The Complainant is a provider of technology solutions and services for the travel ecosystem: airlines, airports, car rental agencies, cruise and ferry operators, hotels and event venues, insurance providers, travel agents, and the like.

The Complainant owns various trademarks for AMADEUS, including:

- European Union Trademark No. 002069375, with a registration date of August 29, 2005, and
- European Union Trademark No. 1321806, with a registration date June 22, 2016.

The Complainant owns and uses the domain name <amadeus.com>, as well as other domain names consisting of or including the AMADEUS trademark.

The disputed domain name was registered on February 4, 2019.

The Respondent did not file a formal response, and so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in Egypt.

The Respondent emailed the Center on two occasions. Apparently, the Respondent was once a shareholder of Dantar Technology Consultancies Company W.L.L. of Bahrain. Dantar Technology Consultancies Co. also emailed the Center with a letter signed for and on behalf of Dantar Technology Consultancies Company W.L.L. stating that Dantar Technology Consultancies Company W.L.L. was a distributor of the Complainant, but that the distribution agreement (dated February 1, 2019) has been terminated. Dantar Technology Consultancies Company W.L.L. also states that the Respondent is no longer associated with Dantar Technology Consultancies Company W.L.L. The correspondence states, in effect, that Dantar Technology Consultancies Company W.L.L. is the true respondent in these proceedings.

The correspondence from Dantar Technology Consultancies Company W.L.L. also states: "Dantar Technology Consultancies Company W.L.L. has no need to use the domain name of Amadeus and has no reason to use it since the distribution agreement has been terminated. ... At the same time, we have no authority to cancel the Domain of Amadeus. Amadeus alone has the power and authority to cancel its Domain name. We have no objection against its cancellation."

From correspondence received from the Respondent, "Dantar" (presumably Dantar Technology Consultancies Co.) recently wrote to a hosting provider asking for the disputed domain name to be cancelled.

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 the disputed domain name consists of the Complainant's trademark in its entirety and with no variation together with the country name "Bahrain", which is an operation area of the Complainant.

The Complainant, as the exclusive and notorious legitimate right holder over the tradename "Amadeus", confirms that the Complainant has not authorized, licensed, or allowed the Respondent or any third party to use its trademark in the manner that is being carried out through the disputed domain name.

The Complainant asserts that failure to respond or engage in communication regarding a cease-and-desist action initiated by the Complainant on April 2, 2024, through the disputed domain name registrar and service provider. (However, this correspondence was not provided to the Panel.)

The Complainant argues that prior UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent states the following "Further to your hereunder communications pertain the above mentioned subject, please be advised that DANTAR team has cancelled through their supplier Scala Hosting the disputed domain: www.amadeusbahrain.com their end (backup attached).

Subsequently, this issue is considered resolved from their side, please confirm same by return."

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 onus of proving these elements is on the Complainant.

The correspondence received by the Center raises an issue as to identity of the true Respondent in this case. Whois records clearly show that Dr Hassib is the owner of the disputed domain name. The Panel will treat Dr Hassib as the Respondent in this case.

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.

The entirety of the mark is reproduced 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.

Although the addition of other terms (here, "Bahrain") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 appears that at one point a company (of which the Respondent was a shareholder) was in a distribution arrangement with the Complainant that related to the territory of Bahrain. It also appears that the distribution arrangement has ended. The Complainant did not address this issue.

A terminated distribution agreement does not give a respondent rights or legitimate interests after termination of the agreement. See *Liqui-Moly GmbH, Meguin GmbH & Co. KG Mineraloelwerke v. Registration Private, Domains By Proxy, LLC / Sayed Zainul Islam, Sadia Zain Shah Meguin Auto Panels LLC, Naseem Shah*, WIPO Case No. [D2022-0011](#), and the cases cited therein. In addition, the Panel notes that neither the Respondent nor Dantar Technology Consultancies Co. has provided a signed copy of the distributorship agreement. Moreover, the Panel notes the composition of the disputed domain name which carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

The Respondent provided a communication to the Center that the Respondent has requested that the disputed domain name be cancelled. There is no reason to doubt the genuineness of the Respondent's request. Dantar Technology Consultancies Company W.L.L. also wrote to the Center stating: "We have no objection against its cancellation."

The Center sent a Possible Settlement email to the Parties inviting the Complainant to submit a request for suspension by July 17, 2024, to implement a settlement agreement between the Parties. The Complainant did not respond to this request.

Consent by the Respondent can provide a basis for an order for transfer or cancellation without a need for consideration of all the UDRP grounds. Taking into account [WIPO Overview 3.0](#), section 4.10 and *The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. [D2005-1132](#), the Panel finds that when the Complainant seeks transfer of the disputed domain name, and the Respondent agrees to transfer, the Panel may proceed to make an order for transfer.

In this case, the Respondent requested that the disputed domain name be cancelled. The Panel finds that the emails from the Respondent undoubtedly demonstrate the Respondent's consent to abandon the disputed domain name. Dantar Technology Consultancies Company W.L.L. states: "At the same time, we have no authority to cancel the Domain of Amadeus." This appears to recognize that the disputed domain name is the Complainant's domain name.

Accordingly, and in light of the Panel's findings above that the first and second elements have been established, the Panel does not need to make detailed findings regarding the third element of the Policy and can order the transfer of the disputed domain name.

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 <amadeusbahrain.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: August 5, 2024