

ADMINISTRATIVE PANEL DECISION

Noon E Commerce Owned by Noon AD Holding One Person Company LLC
v. Omar Tarabichi
Case No. DAE2024-0019

1. The Parties

The Complainant is Noon E Commerce Owned by Noon AD Holding One Person Company LLC, of the United Arab Emirates (“UAE”), represented by Hadeef & Partners, UAE.

The Respondent is Omar Tarabichi, of the United States of America (“United States”), represented by John Berryhill, United States.

2. The Domain Name and Registrar

The disputed domain name <noon.ae> is registered with AE Domain Administration (“.aeDA”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2024. On the following day, the Center transmitted by email to .aeDA a request for registrant verification in connection with the disputed domain name. On November 25, 2024, .aeDA 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 UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (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 November 26, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was December 16, 2024. The Response was filed with the Center on December 16, 2024. Accordingly, the Center notified the parties of the commencement of Panel appointment on December 18, 2024.

The Center appointed Matthew Kennedy, Andrew D. S. Lothian, and Debrett G. Lyons as panelists in this matter on January 14, 2025. The Panel finds that it was properly constituted. Each member of 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 an e-commerce company launched in the UAE in September 2017, in the Kingdom of Saudi Arabia (“KSA”) in December 2017, and in Egypt in 2019. A UAE company named Noon AD Holdings Ltd holds UAE trademark registrations numbers 256951, 256953, and 256967, all for NOON, all registered on January 22, 2017, and specifying services in classes 35, 36, and 39, respectively. The Complainant which has over 10,000 employees and was founded by a famous businessman, operates the Noon e-commerce platform at “www.noon.com”, which has over 4 million daily users and delivers to some 450 cities in those three countries. The platform is available in Arabic and English. The homepage of the English version prominently displays a logo composed of the isolated form of the Arabic letter “noon” (ن) alongside the term “noon” in Latin script. The platform offers the Noon digital marketplace, as well as “Noon Pay” payment services, “Noon Food” restaurant and food delivery services, and “Noon Minutes” quick-commerce services. The Complainant also operates several social media accounts that display a logo consisting of the isolated form of the letter “noon” (ن) and posts displaying the NOON mark in Latin script. Its Instagram account in English is named “noon_uae” and has 229,000 followers; its YouTube channel is named “noon” in both Latin and Arabic scripts and has 85,000 subscribers; its Facebook account in English is named “noon UAE” and has 26,000 followers; while its X account in Arabic has 356,000 followers. The Complainant’s LinkedIn profile has 2 million followers in KSA. According to the evidence, the Complainant has also promoted the NOON brand in Latin script through above-the-line advertising campaigns on signage and billboards in the UAE from 2020 to 2024 and direct marketing campaigns via digital channels in the UAE from 2021 to 2024.

According to the evidence, the Complainant was the registrant of the disputed domain name from 2017 to 2023. During that time, it used the disputed domain name to redirect to its e-commerce platform at “www.noon.com”. Its registration of the disputed domain name expired in or about December 2023 due to non-renewal.

The Respondent is a software engineer based in the United States. According to the evidence that he presented, he has registered several descriptive or generic terms in domain names, including <bestcourse.ai> (registered in June 2023), <cookies.ae>, <defi.ae> (an acronym for “decentralized finance”), <eservices.ae>, <fair.ae>, <instant.ae>, <mazad.ae> (Arabic for “auction”), and <podcast.ae>.

The Registrar has verified that (following the lapse of the Complainant’s original registration) the disputed domain name was created on January 10, 2024. On that day, a brokerage firm based in the UAE specializing in expired “.ae” ccTLD domain names announced on a social media platform that the disputed domain name had dropped. The broker, who is a relative of the Respondent, described the disputed domain name as a “major catch” for the brokerage and touted it in the following terms: “Noon is the 25th letter in the Arabic alphabet, as well as a time in the day. Huge branding potential” and he sent it to a 24-hour auction. An Internet user expressed surprise that the disputed domain name was not owned by the Complainant and asked if there was any reason why. The broker replied “They dropped it”.

On the following day, the broker informed the Respondent that he had won the auction with a bid of USD 710. According to the evidence, the Respondent has been the registrant of the disputed domain name since January 12, 2024. According to evidence presented by the Respondent, by January 18, 2024, he had also registered the domain name <noonlearning.ae> and associated it with a webpage displaying a template for an eventual “Noon Learning” website. As early as April 19, 2024, the disputed domain name had begun resolving to a website titled “Learn A New Skill. Elevate Your Life” that displays reviews and links to online education courses offered by third parties. The website now displays a “Noon Learning” logo and continues to publish reviews and links to third party online courses, including 11 affiliate links to one provider, 10

affiliate links to another provider, and 4 reviews and links to courses for which the Respondent receives no revenue. The Respondent's domain names <noonlearning.ae> and <bestcourse.ai> redirect to the disputed domain name.

On May 15, 2024, the Complainant contacted the Respondent by email, claiming that the disputed domain name infringed upon the Complainant's rights. On the following day, the Respondent replied that he had acquired the disputed domain name at auction because it was a short domain name corresponding to a single letter and an English dictionary word; the auction was competitive, as several other bidders wanted to obtain such a valuable domain name; he had launched a site promoting educational videos, and he quoted a verse of the Koran that begins with the letter "noon" (ن) in the Arabic alphabet. He denied that the Complainant had a monopoly in that letter or that word and listed 5 educational websites associated with domain names containing "noon". On June 24, 2024, the Complainant sent another email to the Respondent on a "without prejudice" basis (a copy of which it annexed to the Complaint), in which the Complainant reiterated its claim that the Respondent's acquisition of the disputed domain name infringed its well-known trademark and clarified that its prior registration of the disputed domain name, owing to an administrative delay, had not been renewed for a small period of time. The Complainant demanded that the Respondent immediately cease all use of the disputed domain name and transfer it to the Complainant, offering AED 5,000 for the disputed domain name. The Complainant gave the Respondent 48 hours to accept this settlement. Two days later, the Respondent replied that the Complainant had not explained how the registration of the disputed domain name consisting of a single Arabic letter and the midday time infringed any trademark rights. He cited a prior panel decision regarding a domain name consisting of a Latin transcription of an Arabic word and discussed its reasoning. He described the Complainant's email as a "naked demand" without legal support. He offered to have a rational discussion if the Complainant addressed the questions that he had put to it earlier concerning its claim of infringement. He concluded by saying "We are not impressed with your answer or your offer".

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 is identical or confusingly similar to its NOON mark. It holds multiple trademark registrations for NOON. In over six years of extensive, continuous, and uninterrupted use, it has established widespread recognition in its NOON trademark in relation to e-commerce and related online activities. This is particularly the case in its home market, the UAE, where noon is synonymous with the Complainant.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. There is no evidence whatsoever that prior to registering the disputed domain name and before receiving any notice of this dispute, the Respondent had ever used or made demonstrable preparations to use the name "Noon" or a similar name. The Respondent has never been commonly known as "Noon".

The disputed domain name was registered and is being used in bad faith. The decision of the Respondent to use the disputed domain name with an affiliate online streaming learning platform has nothing to do with that platform, or a term of learning, or a brand of that platform. On the contrary, the Respondent was motivated by an intention to leverage the very valuable reputation of the Complainant's NOON brand in the market, and in the UAE in particular, to drive traffic to the Respondent's website. The inherent value of the disputed domain name, its connection to the Complainant, and the likelihood that it was a case of a brand owner inadvertently letting a longstanding domain name registration lapse, were known to the broker that sold the disputed domain name to the Respondent. He has the same surname as the Respondent, who is also connected with the UAE. Although other websites use the word "noon", they do so as part of longer brand names with additional elements. The Respondent refers to itself on its website as "Noon Learning",

not as “Noon”. The Respondent has also registered <noonlearning.ae>, which redirects to the disputed domain name, clearly showing that the Respondent is well aware of the value and reputation in “noon” created by the Complainant. The intention of the Respondent is to benefit from the valuable reputation that the Complainant has established in “noon” in the UAE, and leverage the connection that the Complainant has established in the marketplace since 2018 between <noon.com>, the disputed domain name, and the NOON brand, to attract for commercial gain Internet users to the Respondent’s website by creating a likelihood of confusion with the NOON mark. Leaving aside the Respondent’s reference to an unrelated domain name case of a completely different scenario, the final two words of the Respondent’s reply to the Complainant’s offer of AED 5,000 were that “We are not impressed with [...] your offer”. There can be no clearer statement, short of naming a specific monetary amount, that the Respondent wants more money from the Complainant. This, in conjunction with the Respondent’s statement that the disputed domain name is a valuable domain name, clearly illustrates that the disputed domain name was acquired primarily for the purpose of selling or otherwise transferring the registration to the Complainant for valuable consideration in excess of the Respondent’s out-of-pocket expenses directly related to the acquisition of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that this proceeding involves what is primarily and overwhelmingly known as a common dictionary word in both English and in Arabic. In English, the word “noon” primarily refers to the midday time. In Arabic, “noon” (ن) is the 25th character of the Arabic alphabet. It has an additional significance in Arabic, as it is the first letter of a chapter in the Koran which is why the letter “noon” is commonly used in commercial names and institutions relation to education, learning and literacy. The Complainant omitted to mention the significance of “noon” as a letter of its native alphabet entirely. In the Complainant’s trademark registrations, the letter ن is clearly shown.

The Complainant demonstrates that it is one of a large number of parties that have trademark rights corresponding to the Arabic letter “noon”, and thus easily satisfies the first criterion of the Policy. The Complainant’s registrations are among some 121 registered marks for NOON held by various parties.

The Respondent, in addition to his employment, develops web projects of his own and frequently registers descriptive or generic domain names which become available for such projects. The Respondent’s interest in developing an education-related site predates the Complainant’s abandonment of the disputed domain name, as evidenced by his registration of <bestcourses.ai> in June 2023, which also forwards to the site that the Respondent has developed. In January 2024, the Respondent became aware that the disputed domain name would become available through a “.ae”-specific domain expiration and backordering portal. He bid for the disputed domain name as a generic four-letter domain name with no apparent use at that time, having been deactivated long before then. The Respondent made substantial preparations to use the disputed domain name, and subsequently used the disputed domain name for a non-infringing, legitimate and bona fide purpose consistent with the widespread use of “noon” in relation to online education among Arabic speakers. In the same week that it won the auction, the Respondent began developing an associated website for the purpose with which the letter noon is frequently associated, i.e., education, writing or literacy, as reflected in the third party websites associated with the domain names <noonacademy.net>, <noon-digital.com>, <noonlearning.com>, <noonsolutions.net>, <noonacademy.com>, <noonarabicacademy.net>, <nooncenter.net>, <noon-online.com>, <alnoonacademy.com>, <noonalqalam.ca>, and <noonqalam.com>. The prominence of the letter noon in a particular chapter of the Koran is precisely the reason why so many Arabic education resources incorporate it in their name. The Respondent pointed this out to the Complainant in prior correspondence, yet the Complainant claims that the Respondent’s use of the disputed domain name has nothing to do with a term of learning. The Complainant has not explained how the Respondent’s use of the disputed domain name for educational resources has either infringed the Complainant’s rights, or been inconsistent with the widespread use of “noon” in education. When the disputed domain name is a common word – or here the name of a single letter – a

complainant has a heightened burden to demonstrate that its mark, necessarily narrower than the primary meaning of the word itself, was the reason why the respondent acquired the disputed domain name.

The disputed domain name was not registered and is not being used in bad faith. The Respondent purchased the disputed domain name at auction in an arm's length transaction. The Respondent is not attempting to leverage some sort of reputation or goodwill in the Complainant's prior registration of the disputed domain name as the Complainant never actually used it for any content but merely used it as a forwarding address to <noon.com>. The Complainant did not promote the disputed domain name. The Complainant does not show any traffic to the disputed domain name during its ownership. The fact that the disputed domain name was not consequential to the Complainant or its customers is made obvious by the fact that the Complainant did nothing for six months after its alleged non-renewal. If one is seeking to divert, confuse, and monetize consumers looking for an online shopping site, then one sends those consumers to a competing online shopping site, not an educational resource site. If the Complainant did not want other content accessible at the disputed domain name, it could have simply renewed its registration. The Respondent uses the disputed domain name with a website that provides reviews for some 25 online courses; some of which generate revenue. None of this activity infringes the Complainant's alleged marks for online shopping. While other providers use additional words along with "Noon" in their names, four-letter domain names are very rare and not everyone can have one. The Complainant's correspondence prior to this proceeding was rude, arrogant, threatening, demeaning, and concluded with "You have 48 hours" to answer. The Respondent replied by pointing out that the Complainant had advanced no coherent legal reason why the Respondent should accept the Complainant's offer and said he was "not impressed with your answer or your offer." He also used the word "valuable". That a four-letter dictionary word domain name is "valuable" is a statement of simple fact. The notion that the Respondent was generally unimpressed with the Complainant's tantrum and its offer is hard to understand as an intent to sell the disputed domain name to the Complainant. The Complainant believes any response other than to agree to take AED 5,000 is cybersquatting. The Respondent would like to make clear that he would prefer to keep the disputed domain name and continue to use it.

6. Discussion and Findings

Paragraph 6(a) of the Policy lists three elements that the Complainant must demonstrate in order to succeed:

- (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 or is being used in bad faith.

The burden of proof of each element is borne by the Complainant. The applicable standard of proof is the balance of probabilities.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7. ¹

¹The Panel notes that while there are minor differences between the Policy and the UDRP, where appropriate, it draws on consensus views expressed in the [WIPO Overview 3.0](#) and decisions made under the UDRP.

The Complainant is identified in the Complaint as “Noon E Commerce Owned by Noon AD Holding One Person Company LLC”. It has shown that the registered proprietor of a NOON trademark is another UAE company named “Noon AD Holdings Ltd”. The Panel need not clarify the relationship between the Complainant and Noon AD Holdings Ltd given the result of this case. It is sufficient for present purposes to note that the Complainant appears to be an entity related to Noon AD Holdings Ltd and authorized to use its NOON trademark. Accordingly, the Panel finds that the Complainant has shown rights in the NOON trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name wholly incorporates the NOON trademark as its operational element. The only additional element is a country code Top-Level Domain (“ccTLD”) extension (“.ae”) which, as a standard requirement of domain name registration, may be disregarded in the comparison with a trademark for the purposes of the first element of paragraph 6(a) of the Policy. Accordingly, the Panel finds the disputed domain name identical to the NOON trademark in which the Complainant has rights. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Given the Panel's findings in Section 6.C. below regarding the third element of the Policy, it is unnecessary for the Panel to consider the second element.

C. Registered or is Being Used in Bad Faith

The Panel notes that the third element of paragraph 6(a) of the Policy contains two requirements that apply disjunctively. A complainant must show either that the disputed domain name has been registered in bad faith or that it is being used in bad faith, but not necessarily both. Each requires a demonstration that the Respondent knew, or should have known, of the Complainant and/or its mark at the relevant time and that the Respondent's aim was or is to profit from or exploit the Complainant's trademark.

Paragraph 6(b) of the Policy provides that certain circumstances, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith. The first and fourth such circumstances are as follows:

“(i) circumstances indicating that [the respondent has] registered or [the respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent's] documented out-of-pocket costs directly related to the [disputed] domain name;” and

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location.”

In the present case, the disputed domain name was registered by the Respondent after an auction held in January 2024, years after the registration of the NOON trademark in which the Complainant has rights. The Complainant has made extensive use of that trademark for six years in connection with the supply of services on its e-commerce platform to millions of users in the UAE and KSA, and more recently Egypt, and it has millions of followers on social media. Even though the Complainant does not operate in the United States, where the Respondent is located, the broker who sold the disputed domain name is based in the UAE and he acknowledged the identity of the Complainant on his social media account during the 24-hour auction of the disputed domain name, which the Respondent won. The Respondent asserts that he knew the disputed domain name had “no apparent use” at that time and had been “long deactivated” which, in the circumstances, implies an awareness that it had previously been used to redirect. The redirection was to

the Complainant's e-commerce platform. The Respondent is a relative of the domain name broker, is an English and Arabic speaker himself, and holds several domain names in the UAE ccTLD. The Respondent does not deny that he was aware of the Complainant's e-commerce platform when he bid for the disputed domain name. In view of these circumstances, the Panel is satisfied that the Respondent knew of the Complainant and its NOON trademark at the time when he registered the disputed domain name.

The Complainant argues that the Respondent was motivated by an intention to leverage the very valuable reputation of its NOON brand in the market and to attract for commercial gain Internet users to his website by creating a likelihood of confusion with that mark. However, the Panel considers it an open question whether this can be inferred from the fact that the Respondent knew that the disputed domain name was identical to the NOON mark. "Noon" is not a coined term but rather a transliteration of a letter in the Arabic alphabet, as well as an English dictionary word for midday. The Complainant, while providing evidence of its very significant reach, and impliedly, renown (or even fame) does not provide evidence that would indicate that the trademark meaning of NOON has displaced its significance as a letter or a dictionary word in the minds of Arabic or English speakers. On the contrary, the Complainant's NOON logo consists of or contains the isolated form of that Arabic letter, highlighting the meaning of "noon" as a letter. There are other potential legitimate uses of a domain name composed of "noon" and a ccTLD extension arising from its meaning as a letter and a dictionary word. The website associated with the disputed domain name (discussed below) makes no reference to the Complainant or the types of services that it provides.

The Complainant argues that the Respondent knew, or knew that it was likely, that this was a case of a brand owner inadvertently letting a longstanding domain name registration lapse. However, that in itself does not answer the question whether the Respondent has acted in bad faith. See *OEE Ltd, Because Music SAS v. Matthew Klein*, WIPO Case No. [D2024-0709](#). In any event, there is no evidence that the Respondent should have known prior to this proceeding that the Complainant's non-renewal of the disputed domain name was inadvertent.

The Complainant also argues that the Respondent acquired the disputed domain name primarily for the purpose of selling the registration to the Complainant for valuable consideration in excess of the Respondent's out-of-pocket expenses. In support, the Complainant relies on the Respondent's statements in correspondence with the Complainant prior to this proceeding (described in Section 4 above) that (i) the disputed domain name was "valuable" and (ii) he was not impressed with inter alia the Complainant's offer to purchase it for AED 5,000 (approximately USD 1,360). The Complainant reads these as a clear statement that the Respondent sought a higher offer to sell the disputed domain name. The Respondent denies that they indicate an intent to sell. The Panel observes that the Respondent's first email asserted that the disputed domain name was valuable based on its nature as a letter and a dictionary word, not its trademark value. The Respondent's second email responded to the Complainant's ultimatum, which did not substantiate the allegation of infringement. It was in this context that the Respondent ended his email by saying that he was not impressed with the Complainant's answer or its offer. This may have meant that the Respondent saw no legal reason why he should cease use of the disputed domain name or that he wished for a higher offer – there is simply not enough evidence to support any firm conclusion on this matter.

The Respondent provides an alternative explanation for his choice to register "noon" in the disputed domain name. He submits that the Arabic letter "noon" is frequently associated with education, writing or literacy. It is unnecessary for the Panel to opine on the origin of this association as it suffices to note evidence on the record showing that multiple businesses have in fact registered domain names containing "noon" for use in connection with Arabic education resources. While these domain names include additional descriptive words, they bear out this association of the letter "noon". The Complainant argues that the Respondent's use of the disputed domain name has nothing to do with its ostensible purpose or a term of learning. Indeed, it is not clear to the Panel why the Respondent chose to register the domain name <noonlearning.ae> as soon as he won the auction for the disputed domain name and then developed a website titled "Noon Learning" for association with the disputed domain name. However, having reviewed the evidence showing the content of the Respondent's website, and based on the limited evidence (without any discovery or cross-examination) presented in the proceedings, the Panel finds the Respondent's explanation for his choice of the disputed domain name to be plausible. Accordingly, based on the record of this proceeding, the Panel is

unable to conclude that the reviews and links to multiple online education programs on the website associated with the disputed domain name are a mere pretext for cybersquatting.

The evidence of the Respondent's other domain names shows that he has registered several other descriptive terms listed in Section 4 above. While the evidence does not show whether or how the Respondent makes active use of any of them, it does not show a pattern of trademark-abusive domain name registrations from which the Panel could infer that the Respondent targeted the NOON trademark in the disputed domain name.

Accordingly, the evidence in the case file as presented does not indicate that the Respondent's aim in registering or using the disputed domain name was or is to profit from or exploit the Complainant's trademark.

Therefore, based on the present record, the Panel finds that the third element has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Matthew Kennedy/
Matthew Kennedy
Presiding Panelist

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Panelist

/Debrett G. Lyons /
Debrett G. Lyons
Panelist
Date: January 24, 2025