

## ADMINISTRATIVE PANEL DECISION

Türk Hava Yolları Anonim Ortaklığı v. Domain Admin, FindYourDomain.com  
Case No. DCO2024-0068

### 1. The Parties

The Complainant is Türk Hava Yolları Anonim Ortaklığı, Türkiye, represented by Turkticaret.net Yazılım Hizmetleri Sanayi ve Ticaret Anonim Şirketi, Türkiye.

The Respondent is Domain Admin, FindYourDomain.com, United States of America (“United States”), represented by Law Offices of Grant G. Carpenter, United States.

### 2. The Domain Name and Registrar

The disputed domain name <thy.co> is registered with GoDaddy.com, LLC.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2024, in respect of the domain names <thy.co> (hereinafter, the “disputed domain name”), registered with GoDaddy.com, LLC, and the domain name <turkishairlines.co>, registered with Dynadot Inc. On the same day, the Center transmitted by email to the registrars of the two domain names requests for registrar verification in connection with them. On September 19, 2024, the registrar GoDaddy.com, LLC (hereinafter, 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 (Unknown) and contact information in the Complaint. On September 20, 2024, Dynadot Inc. transmitted by email to the Center its verification response disclosing registrant and contact information for the domain name <turkishairlines.co> which differed from the named Respondent and contact information in the Complaint and from the registrant and contact information for the disputed domain name that was disclosed by the Registrar.

The Center sent an email communication to the Complainant on September 20, 2024, providing the registrant and contact information disclosed by the two registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant exchanged several communications with the Center on procedural issues, and on October 14, 2024, informed the Center that it wished to continue the proceeding only in respect of the disputed domain name. On October 15, 2024, the Center informed the Parties that it will not proceed in this case in respect of the domain name <turkishairlines.co>. On October 15, 2024, the Complainant confirmed the amendment of the Complaint to reflect the registrant information for the disputed domain name that was received from the Registrar.

The Center verified that the Complaint together with the amendment to 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 October 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2024. The Response was filed with the Center on November 1, 2024.

The Center appointed Assen Alexiev, Uğur G. Yalçiner, and David E. Sorkin as panelists in this matter on November 20, 2024. 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 the national airline of Türkiye, operating since 1933. The English language equivalent of its name is “Turkish Airlines”. The flight network of the Complainant extends to Europe, the Middle East, the Far East, North Africa, Central Africa, South Africa, and North and South America, and its official website is located at the domain name <turkishairlines.com>.

The Complainant is the owner of the international trademark THY with registration No. 900857, registered on April 3, 2006 for services in International Classes 37, 39, and 41 in multiple jurisdictions, including the United States, where the Respondent is located (the “THY trademark”). The Complainant also holds trademark registrations for “Türk Hava Yolları” and “Turkish Airlines” in Türkiye since 1996.

The Complainant is the owner of the domain names <turkishairlines.com> and <thy.com> which resolve to its official website at “www.turkishairlines.com”, as well as of multiple other domain names containing “turkishairlines” or “thy” as their second level.

The Respondent’s business involves the registration and resale of domain names.

The disputed domain name was registered on July 21, 2010. It resolves to a parking webpage containing links to various unrelated topics. At the time of filing of the Complaint, the disputed domain name was offered for sale for a price of USD 34,999.

#### **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 states that the disputed domain name is confusingly similar to its THY trademark, and submits that the term “thy” represents the initials of the Complainant’s name in the Turkish language (Türk Hava Yolları) and is a generally recognized term, especially within Türkiye.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant notes that the Respondent has no relevant registered trademark rights and alleges that it was the fame of the Complainant’s THY trademark that motivated the Respondent to register the disputed domain name. The Complainant adds that the disputed domain name is offered for sale at a price that it regards as “very high”. In the Complainant’s view, having the disputed domain name owned by

the Respondent would expose the Complainant to the risk of fake websites and phishing incidents.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It states that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services and alleges that the Respondent has deliberately chosen it to exploit the Complainant's THY trademark and has offered it for sale. The Complainant adds that the Respondent could not be contacted because its personal information is hidden in the public Whois records for the disputed domain name.

## **B. Respondent**

The Respondent maintains that the disputed domain name carries an inherent value due to its broad applicability across industries and uses and has potential for high user traffic, because it is a memorable and valuable short dictionary word that is also generic as a place name, person name and acronym. The Respondent explains that "thy" is a short, memorable English word, meaning "your", and has been widely used in the English language for centuries, including in the Bible and in the literary works of Shakespeare. The Respondent adds that "Thy" is the name of a region in Denmark and a Vietnamese female name. It also notes that the WIPO Global Brand Database contains 52 entries for the term "thy", 40 of which are for businesses, products or services that are not related to the Complainant [the Panel observes that the WIPO The Global Brand Database was officially launched in 2011, i.e., after the registration of the disputed domain name]. According to the Respondent, this shows that "thy" is a commonly used acronym in a variety of contexts and could be used as a brandable acronym by numerous other businesses beyond those who have registered trademarks. The Respondent concludes that "thy" is not inherently distinctive or tied to any single source, so many potential users could have a legitimate interest in this term for different purposes, so the registration of the disputed domain name is consistent with the requirements of good faith.

The Respondent submits that the Complainant is mostly known internationally as "Turkish Airlines" and its domain name is <turkishairlines.com>, while the THY trademark is not the Complainant's primary trademark. The Respondent also maintains that the THY trademark is not famous outside of Türkiye, and since the Complainant's primary brand is "Turkish Airlines", this necessarily dilutes the fame and distinctiveness of the THY trademark. The Respondent adds that the Complainant's use of 119 domain names, at least 19 of which are composed of "thy", does not establish that the THY trademark is highly distinctive or that the Complainant has the exclusive right to this term across all top-level domains, but only reflects a common practice of defensive domain registration, which does not prevent others from legitimately using the same term. The Respondent adds that numerous other companies have trademark registrations for "thy", which indicates that the Complainant's THY trademark is not exclusively associated with a single source, reducing its perceived distinctiveness and fame. The Respondent concludes that no single party maintains the exclusive rights to the term "thy", so the registration of the disputed domain name cannot be abusive.

The Respondent submits that it is in the business of registering inherently valuable domain names on behalf of its clients and prospective clients. It claims that it is a responsible acquirer of domain names and has adopted procedures to ensure that it does not register any domain name that is likely to violate the rights of third parties. The Respondent explains that before acquiring a domain name, it conducts a trademark search in the WIPO Global Brand Database and acquires it only if there are no matching trademark registrations or brand names, or if the domain name is a generic term or a dictionary word and there are many matching trademark registrations or brand names so that no single party enjoys exclusive rights in the respective term.

The Respondent denies that it has targeted the Complainant with the registration and use of the disputed domain name, which does not resolve to misleading content, does not copy the Complainant's branding, offer similar services, or otherwise create a false impression of endorsement or affiliation. The Respondent maintains that the price at which the disputed domain name is offered for sale is not above the Respondent's out-of-pocket costs or above the market price for it. According to the Respondent, the disputed domain name meets all of the relevant criteria for a highly valuable domain name.

As to the Complainant's statement that the Respondent could not be contacted because its personal information is not accessible, the Respondent notes that it uses the free privacy service offered by the Registrar, which is automatically activated for all new domain name registrations.

The Respondent requests the Panel make a finding of Reverse Domain Name Hijacking ("RDNH") against the Complainant, as the Complainant has failed to mention or consider the fact that the term "thy" is a dictionary word, an acronym, a place name and a personal name, and is widely used as a trademark by a variety of other businesses. The Respondent adds that the Complainant has provided no evidence of bad faith and has failed to address the possibility that the offering for sale of the disputed domain name could be made in good faith.

## **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 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 the THY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the THY trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the THY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

### **B. Rights or Legitimate Interests**

In view of the Panel's determination below under paragraph 4(a)(iii) of the Policy, that the Complainant has failed to establish that the disputed domain name has been registered in bad faith, it is unnecessary for the Panel to address the issue of whether the Respondent has rights or legitimate interests in the disputed domain name under the paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel reviewed the evidences submitted by the Complainant and determined that the Complainant's evidences are mostly related to its trademark TURKISH AIRLINES, not THY. The evidence in the case file as presented does not lead to a conclusion that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's THY trademark.

There is no support for the Complainant's assertion that it was the notoriety of the Complainant's THY mark that motivated the Respondent to register the disputed domain name. The Panel is aware that the trademark THY is well known particularly in Türkiye, however it is not possible for the Panel to determine whether the Respondent, who is located in the United States, was aware of the Complainant's trademark THY at the time of registration of the disputed domain name; the Complainant has not provided evidence on that point. The Complainant has not provided any evidence of the degree of fame of its THY trademark when the disputed domain name was registered in 2010 worldwide and in the United States, and it appears that the Complainant operates primarily under its Turkish Airlines name and trademark, while the THY trademark is only a secondary trademark. In light of the foregoing, there is no basis for concluding that the Respondent targeted the THY trademark at the time the disputed domain name was registered. As pointed out by the Respondent, the second level of the disputed domain name consists of only three letters and has a

dictionary meaning (albeit an archaic one), and although it has not been used in connection with that dictionary meaning, there is also no evidence that the Complainant has been targeted. Therefore, it appears plausible that the Respondent acquired the disputed domain name and set its offering price not to target the Complainant but based on the attractiveness of the disputed domain name as a short dictionary word.

On this basis, the Panel concludes that the Complainant has not established that the disputed domain name was registered in bad faith.

Since the Complainant has failed to establish that the disputed domain name has been registered in bad faith, it is not necessary to take a decision on the issue of whether the disputed domain name is being used in bad faith.

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

#### **D. Reverse Domain Name Hijacking**

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 RDNH 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 RDNH. [WIPO Overview 3.0](#), section 4.16.

The Panel considers that there is no support in the circumstances of this case for a finding of RDNH. The Complainant's THY trademark was registered 14 years before the registration of the disputed domain name, including in the United States, where the Respondent is located, and the disputed domain name is offered for a five-digit price. The Complainant also seems to be the most prominent user of the brand THY, even if the Respondent is correct that there are other entities that also use this term as a brand – and it is not clear why those third party rights would vest the Respondent with a right or legitimate interest in the disputed domain name, so it cannot be concluded that the Complainant must have known that its Complaint cannot succeed.

Therefore, the Panel declines to make a finding of RDNH.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Assen Alexiev/*  
**Assen Alexiev**  
Presiding Panelist

*/Uğur G. Yalçiner/*  
**Uğur G. Yalçiner**  
Panelist

*/David E. Sorkin /*  
**David E. Sorkin**  
Panelist  
Date: December 9, 2024