

ADMINISTRATIVE PANEL DECISION

Paradise International General Trading LLC v. Khaled Alkhamesi Case No. D2023-0989

1. The Parties

Complainant is Paradise International General Trading LLC, United Arab Emirates, represented by Abou Naja Intellectual Property, United Arab Emirates.

Respondent is Khaled Alkhamesi, Yemen.

2. The Domain Name and Registrar

The Domain Name <greenwealthinternational.net> 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 6, 2023. On March 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 7, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 Complainant on March 23, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. The Complainant filed amended Complaint on March 24, 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 Respondent of the Complaint, and the proceedings commenced on April 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2023. Respondent sent two informal communications in Arab on April 3, 2023, and, an informal communication in English on April 4, 2023 and on April 16, 2023. Accordingly, the Center proceeded to panel appointment on May 3, 2023.

The Center appointed Marina Perraki, as the sole panelist in this matter on May 8, 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

Complainant is an Emirati company established in 1989 active in the field of the manufacture and marketing of cosmetics, essential oils, hair oils, soaps, shampoos, perfumes and hair lotions, including perfumes and hair lotions based on mint.

Complainant owns trademark registrations for GREEN WEALTH including the European Union Trade Mark registration 18449325 GREEN WEALTH (word), filed on April 8, 2021 and registered on July 29, 2021 for goods in international class 3.

The Domain Name was registered on November 2, 2022, and at the time of filing of the Complaint lead to a website (the Website) purportedly selling products bearing the GREEN WEALTH trademark and other trademarks of Complainant. The products were per Complainant counterfeit. The Website presented a "GREENWEALTH INTERNATIONAL CO., LTD." as the source of the products and certain contact information of "Green Wealth International Co. Ltd." was presented in order to induce users to buy the products.

The Domain Name currently leads to a website purportedly of a "green energy company" under the name "Green Wealth management group".

5. Parties' Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not formally reply to Complainant's contentions. Respondent sent two email communications on April 3, 2023, in Arabic, on April 4, 2023, in English, stating that Respondent purchased the Domain Name for a client and that the client agrees to its transfer for a price of USD 2,500 and on April 16, 2023 asking that payment be made immediately.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements, which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The Panel notes that Khaled Alkhamesi has indicated that the Domain Name was registered on behalf of a client although it also indicated that it owns the Domain Name. The Panel notes that little is known about the

claimed client (beneficial holder). There is no evidence on the existence of the relationship between Respondent and the alleged beneficial holder. Irrespective of whether there is an actual beneficial holder or not, noting that Khaled Alkhamesi is the registrant confirmed by the Registrar, the Panel has decided to consider it as the Respondent.

A. Identical or Confusingly Similar

The Domain Name incorporates Complainant's GREEN WEALTH trademark in its entirety. This is sufficient to establish confusing similarity.

The addition of the word "international" in the Domain Name, does not avoid a finding of confusing similarity (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8).

The generic Top-Level Domain ("gTLD") ".net" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is confusingly similar to Complainant's trademark.

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

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

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not replied to Complainant's contentions and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per the Complaint, Respondent was not authorized to register the Domain Name.

There is no evidence that Respondent has been commonly known by the Domain Name.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Name was used to host the Website to impersonate Complainant and attempt to mislead consumers into thinking that the goods purportedly offered for sale on the Website originate from Complainant. Such use demonstrates neither a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the Domain Name (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)). Currently it leads to a website purportedly of a "green energy company" under the name "Green Wealth management group".

Furthermore, according to the Complaint, the Website was used for the offering of products purporting to be Complainants' products, but which Complainant identifies as counterfeit products, and without the Respondent rebutting the Complainant's arguments with any evidence. The Website indicated "Original products, genuine from the factory directly. We are ready to ship you immediately". Even if the products were genuine, noting the content of the Website, in particular the Complainant's logo, the Website would falsely suggest to Internet users that Complainant or at least an affiliated to Complainant owns the Website.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainants who are the owner of the trademark or service mark or to a competitor of that Complainants, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainants' mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Because the GREEN WEALTH mark had been used and registered by Complainant before the Domain Name registration, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Respondent should have known about Complainants' rights, as such knowledge is readily obtainable through a simple browser search and also due to Complainants' nature of business, provided also online, namely online sales (see *Caesars World, Inc. v. Forum LLC*, WIPO Case No. [D2005-0517](#); *Compart AG v. Compart.com / Vertical Axis, Inc.*, WIPO Case No. [D2009-0462](#)).

Furthermore, the content of the Website gives the impression that it originates from Complainant, prominently displaying GREEN WEALTH trademark and other Complainant's trademarks on the Website, thereby giving the false impression that the Website emanates from Complainant. This further supports registration in bad faith reinforcing the likelihood of confusion, as Internet users are likely to consider the Domain Name as in some way endorsed by or connected with Complainant ([WIPO Overview 3.0](#), section 3.1.4).

The above further affirms that Respondent knew of Complainant and registered the Domain Name with knowledge of Complainant and its industry (*Safepay Malta Limited v. ICS Inc*, WIPO Case No. [D2015-0403](#)).

As regards bad faith use, the Domain Name was employed to host the Website which appeared falsely to be that of Complainant. The Domain Name operated by intentionally creating a likelihood of confusion with Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the Website to which it leads. This is indicative of bad faith registration and use (*Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); [WIPO Overview 3.0](#), section 3.1.4).

In addition, the Panel notes that Respondent offered for sale the Domain Name for a price of USD 2,500. The Panel considers that bad faith may exist even when registering a domain name for subsequent resale.

Under these circumstances and on this record, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

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 <greenwealthinternational.net> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: May 22, 2023