

ADMINISTRATIVE PANEL DECISION

GrabTaxi Holdings Pte. Ltd. v. Nguyen Vinh
Case No. D2023-1415

1. The Parties

The Complainant is GrabTaxi Holdings Pte. Ltd., Singapore, represented by BMVN International LLC, Viet Nam.

The Respondent is Nguyen Vinh, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <dangkygrab4banh.net> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2023. On April 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 5, 2023, 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 (REDACTED FOR PRIVACY, Dynadot Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 6, 2023, 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 the same day.

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 April 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 9, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 31, 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 is a company registered in Singapore. It offers software platforms and mobile applications for services including ride-hailing, ride-sharing, food delivery, logistics services, and digital payments. Its facilities include a mobile application named “Grab” which was launched in June 2012.

The Complainant is the owner of trademark registrations for or including the mark GRAB in multiple territories. Its registrations in Viet Nam (where the Respondent is located) include, for example:

- Viet Nam trademark registration number 4-0318225-000 for the word mark GRAB, registered on April 16, 2019, in International Classes 9, 38, and 39;
- Viet Nam trademark registration number 4-0339168-000 for the word mark GRABCAR, registered on December 9, 2019, in International Classes 9, 38, and 39; and
- Viet Nam trademark registration No. 4-0368019-000 for a figurative mark GRAB using a stylized green outline design, first published on October 25, 2018, and registered on October 27, 2020, in numerous International Classes. (“the Figurative Mark”).

The Complainant operates a website at “www.grab.com” which promotes the Complainant’s services and prominently features a nearly identical variation of the Figurative Mark.

The disputed domain name was registered on July 19, 2020.

According to evidence provided by the Complainant by way of screenshots, the disputed domain name has resolved to a Vietnamese language website which prominently included the term GRABCAR (in English) and included a number of images, one of which was a photograph of a vehicle branded with a near identical version of the Figurative Mark.

5. Parties’ Contentions

A. Complainant

The Complainant provides a detailed account of its foundation and growth in South East Asia between 2012 and the present day. It claims to connect millions of consumers with millions of drivers and service providers and states that it offers its goods and services in 480 cities in eight countries within the region. It states that in 2018 it acquired Uber’s operations in South East Asia (including Viet Nam) and that it hit a milestone of 10 billion rides in 2022. The Complainant submits that it has invested significant resources in the promotion of its activities under its GRAB and other trademarks and that it has achieved widespread industry and media recognition as a result, examples of which it exhibits.

The Complainant submits that the disputed domain name is confusingly similar to its GRAB trademark. It states that that trademark is contained within the disputed domain name, and that the additional term “dangky” means “register” in English and “4banh” means “four wheels”, which is a term commonly used in Viet Nam to refer to cars. It adds that GRAB is an “arbitrary” trademark, *i.e.* one that has no dictionary connection with the goods or services which it has been chosen to represent.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its GRAB or GRABCAR trademarks or the Figurative Mark, that the Respondent has not been commonly known by the disputed domain name and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that the disputed domain name was registered and has been used in bad faith.

The Complainant states that, owing to the widespread fame and commercial reputation of the Complainant's trademarks, it is obvious that the Respondent was aware of them when it registered the disputed domain name.

The Complainant submits that the Respondent has used the disputed domain name for the purpose of a website which seeks to confuse Internet users into believing that they can register to become one of the Complainant's authorized drivers, or "partner-drivers" on that website. The Complainant points to the Respondent's use on its website of the term "grabcarvietnam", suggesting that it is an authorized affiliate of the Complainant in the Viet Nam region, and the fact that the website includes no disclaimer or other indication that it is independent of the Complainant. The Complainant submits that the website provides specific information about the Complainant's GRABCAR service and then asks "Why should you be our partner?" The Complainant contends that, by misrepresenting an affiliation with the Complainant, the Respondent is able to collect drivers' information including name, contact number and car registration details and invites Internet users to leave contact details for the Respondent then to reach them.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Identical or Confusingly Similar

The Complainant has established that it has registered trademark rights in the mark GRAB. The disputed domain name contains that mark, together with other terms which the Complainant submits refer to registration and to motor vehicles. Those additional terms do not in any event prevent the mark GRAB from being recognizable within the disputed domain name.

Furthermore, as observed in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"):

"In specific limited instances, while not a replacement as such for the typical side-by-side comparison, where a panel would benefit from affirmation as to confusing similarity with the complainant's mark, the broader case context such as website content trading off the complainant's reputation... may support a finding of confusing similarity."

As further discussed below, the Panel finds that the Respondent's website is designed to mislead Internet users into believing it has some legitimate commercial affiliation with the Complainant and a finding of confusing similarity is supported accordingly.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. Furthermore, based on the evidence of the Respondent's website content, the Panel finds that the Respondent has set out to cause confusion with the Complainant's GRAB and GRABCAR trademarks and the Figurative Mark and falsely to represent a commercial connection with the Complainant. Such conduct cannot give rise to rights or legitimate interests and the Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Respondent has used the disputed domain name for the purpose of a website which, in the view of the Panel, misleadingly represents itself as being commercially affiliated with the Complainant. The website makes prominent use of the GRABCAR trademark and a near identical version of the Figurative Mark and includes in particular a photograph of a vehicle branded with what appears to be the Figurative Mark. The Panel also accepts the Complainant's evidence (which the Respondent has not challenged) that the wording of the website is designed to mislead Internet users into believing they are able to register on that website as a "partner-driver" of the Complainant and seeks to obtain their personal details accordingly.

Given the Respondent's use of the disputed domain name for the purpose described above, it is clearly to be inferred that the Respondent knew of the Complainant's GRAB and other trademarks when it registered the disputed domain name and did so in order to take unfair commercial advantage of the Complainant's goodwill. The Panel finds further that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

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, <dangkygrab4banh.net>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: June 14, 2023