

ADMINISTRATIVE PANEL DECISION

Nokia Corporation v. Rashad Samadov
Case No. D2023-1584

1. The Parties

The Complainant is Nokia Corporation, Finland, represented by SafeBrands, France.

The Respondent is Rashad Samadov, Azerbaijan.

2. The Domain Name and Registrar

The disputed domain name <nokia.com> [<xn--noka-nza.com>] (the “Domain Name”) 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 April 12, 2023. On April 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 12, 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 (Domains By Proxy, LLC, Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 13, 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 April 17, 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 the Respondent of the Complaint, and the proceedings commenced on April 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 12, 2023. On the same day after the Center’s notification, the Respondent sent an informal communication indicating that the Domain Name is for sale.

The Center appointed Gregor Vos as the sole panelist in this matter on May 22, 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 Finnish company active in the field of telecommunications and consumer electronics that was founded in 1865. The Complainant offers its products and services for sale in more than 130 countries and achieved a global annual revenue of EUR 22.2 billion in 2021.

The Complainant is the owner of *inter alia* the following trademark registrations (hereinafter jointly referred to as the "Trademarks"):

- International registration No. 771539 for NOKIA registered on February 15, 2001, with designation of *inter alia* Azerbaijan, China and Japan; and
- European Union registration No. 871194 for NOKIA registered on March 24, 2000; and
- European Union registration No. 340836 for NOKIA registered on September 9, 1998.

Further, it is undisputed that the Complainant is the holder of *inter alia* the domain name <nokia.com>, registered on July 11, 1991.

The Domain Name was registered on January 28, 2023, and currently resolves to a webpage on which the Domain Name is offered for sale.

The Respondent has registered the Domain Name as internationalized domain name using Punycode translation. It has been established in earlier UDRP decisions that internationalized domain names and their Punycode translations are equivalents (see, e.g., *Instagram, LLC v. Whois Agent, Domain Protection Services, Inc. / Ahmad Butto*, WIPO Case No. [D2022-3203](#) and *Facebook, Inc. v. Registration Private, Domains By Proxy LLC / Serhii Pronin*, WIPO Case No. [D2020-0172](#)).

5. Parties' Contentions

A. Complainant

With the Complaint, the Complainant seeks that the Domain Name is transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Name is identical or confusingly similar to the Trademarks of the Complainant, the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainant, the Domain Name is identical or highly similar to its well-known Trademarks. The Domain Name includes so-called "Punycode", which allows non-Latin characters to be displayed in a domain name. The Punycode included in the Domain Name has as a result that the Domain Name is displayed as <nokia.com>. The substitution of the Latin letter "i" by the non-Latin letter "ı" and the addition of the generic Top-Level Domain ("gTLD") ".com" does not prevent a likelihood of confusion.

Secondly, according to the Complainant, the Respondent has no rights or legitimate interests in the Domain Name. The Respondent has never received a license or any other form of authorization from the Complainant to use the well-known Trademarks and has no prior rights to the Domain Name. Further, the Respondent has never replied to communications from the Complainant and the Respondent offers the Domain Name for sale for an amount of USD 25,000, which does not constitute a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the Domain Name.

Finally, according to the Complainant, the Respondent has registered and is using the Domain Name in bad faith. In light of the well-known character of the Complainant's Trademarks, it is inconceivable that the Respondent registered the Domain Name without knowledge of the Complainant and its Trademarks. Also, according to the Complainant, the Domain Name is being used in bad faith. The Respondent is offering the Domain Name for sale for an excess amount and the Respondent has never replied to a communication of the Complainant trying to resolve the matter amicably.

B. Respondent

The Respondent did not substantively reply to the Complainant's contentions, however sent an email communication to the Center on May 12, 2023 stating: "Hello, I am currently selling this domain name at a very affordable price."

6. Discussion and Findings

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- ii. the 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.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant is registered as the owner of the Trademarks. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademarks.

With regard to the assessment of identity or confusing similarity of the Domain Name with the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Trademarks and the Domain Name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, Domain Name has been registered using Punycode and can therefore be displayed as <nokia.com>. The Domain Name contains the non-ASCII Character "ı" instead of the letter "i" from the Trademarks. This difference is negligible and the use of Punycode does not prevent a finding of confusing similarity between the Domain Name and the Trademarks (see *e.g. Inter Ikea Systems B.V. v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2017-2211](#); and *Instagram, LLC. v. WhoisGuard Protected, WhoisGuard, Inc. / Alex Viznigaev*, WIPO Case No. [D2019-2741](#)). Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Name. The *onus* of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpres Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in the disputed domain name.

The Complainant has substantiated that none of these circumstances apply in this case. The Respondent only reiterated its offer to sell the Domain Name and has failed to rebut the *prima facie* case established by the Complainant. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present. This is reinforced by the fact that the Domain Name is offered for sale for an amount of USD 25,000, which does not constitute a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the Domain Name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Paragraph 4(a)(ii) is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-limitative circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Trademarks are registered by the Complainant and have been used for many years. The Complainant's rights to the Trademarks predate the registration date of the Domain Name. In light of the well-known character and the strong worldwide reputation of the Trademarks, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainant's activities and its Trademarks under which the Complainant is doing business. The well-known character of the Trademarks of the Complainant has been confirmed by earlier UDRP panels (see e.g. *Nokia Corporation v. Ze Cheng Ang*, WIPO Case No. [D2023-0969](#); and *Nokia Corporation v Nokia Ringtones & Logos Hotline*, WIPO Case No. [D2011-1101](#)).

Further, in light of the reputation of the Trademarks, the lack of any rights or legitimate interest in the Domain Name by the Respondent, and in the absence of any conceivable good faith use of the Domain Name, the Panel finds from the present circumstances that the Respondent has intentionally sought to take unfair advantage of or otherwise abuse the Trademarks. This is reinforced by the strong reputation of the Complainant's Trademarks, as referenced above.

In addition, the Respondent offers the Domain Name for sale for valuable consideration likely to be in excess of the out-of-pocket costs directly related to the Domain Name, which further evidences registration and use of the Domain Name in bad faith.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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 Domain Name, <nokia.com> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: June 5, 2023