

ADMINISTRATIVE PANEL DECISION

GrabTaxi Holdings Pte. Ltd. v. Nguyen Vu Hung
Case No. D2023-1928

1. The Parties

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

The Respondent is Nguyen Vu Hung, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <dangkygrabnhanh.com> (the “Domain Name”) is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2023. On April 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 4, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 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 May 4, 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 May 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 30, 2023.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on June 2, 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 following facts are undisputed.

The Complainant is a leading technology company in Southeast Asia. The Complainant offers software platforms and mobile applications for, among other services, ride-hailing, ride-sharing, food delivery, logistics services, and digital payment.

The Complainant was founded in Malaysia in 2012 and as of January 2023, the Complainant has offered its goods and services in more than 480 cities across eight countries in Southeast Asia.

Since October 2013, the Complainant has had a presence in Singapore and Malaysia, and its goods and services are also offered in neighbouring Southeast Asian nations such as Viet Nam, Indonesia, Thailand, the Philippines, Myanmar, and Cambodia.

The Complainant is the owner of many trademark registrations worldwide, including but not limited to the Vietnamese trademark registration GRAB, with registration number 318225, registered on April 16, 2019, hereinafter referred to as the "Trademark".

The Complainant is also the operator of the mobile application named "Grab".

The Domain Name was registered on September 8, 2020. The Domain Name currently resolves to an inactive page, which shows a default webpage of the hosting service provider. Between March 2, 2021 and February 24, 2022, the website to which the Domain Name resolves (the "Website") depicted the trademark and offered services of supporting restaurants and/or the Complainant's potential partners to complete the required documents and conditions to register with the Complainant to become the Complainant's partners (also known as Grabfood restaurant partners or GrabMart partners) in Viet Nam.

5. Parties' Contentions

A. Complainant

The Trademark is an arbitrary trademark, *i.e.*, a mark composed of a word that has a common meaning in the language of the relevant jurisdiction, but that meaning is unrelated to the goods or services for which the mark is used.

The Domain Name is confusingly similar to the Trademark. The Domain Name includes four components, namely (i) "dangky", (ii) "grab", (iii) "nhanh" and (iv) ".com". Therefore, the Domain Name consists of the Trademark in its entirety. Furthermore, the Domain Name consists of two descriptive terms "dangky" and "nhanh" (which are Vietnamese words meaning "register" and "quickly" in English, respectively). Between these descriptive terms, the Trademark is recognizable as such. Therefore, the addition of these descriptive terms would not prevent a finding of confusing similarity under the first element.

In addition, the remaining element ".com" of the Domain Name only serves to indicate the type and code level of the domain name, and thus, does not help dispel Internet users' confusion. The addition of the Top-Level Domain does also not prevent a finding of confusing similarity.

The Respondent has no rights to or legitimate interests in the Domain Name. The Complainant confirms that the Respondent is not contracted by or otherwise affiliated with the Complainant, and the Complainant has never licensed or authorized the Respondent to use the Trademark in any manner. The Website (at least for

the period from March 2, 2021 to February 24, 2022 as aforementioned) fails to accurately represent that the Respondent is an independent business entity and that there is no relationship between the Complainant and the Respondent, nor be there authorization for the Respondent to use the Complainant's registered trademark GRAB in the URL. In contrast, in one of its statements on the Website, the Respondent directed users to apply/register on the Website to become the Complainant's Grabfood restaurant partners.

Furthermore, the Respondent even posted on the Website many contents providing information of the Complainant's subsidiary in Viet Nam and the Trademark, which undeniably misled Internet users and relevant consumers.

The false references and deliberate use with the intention to create an undue association between the Complainant and the Respondent clearly establishes that the Respondent was not using the Domain Name for a *bona fide* offering of goods or services, but was attempting to use the Trademark and the Domain Name to redirect consumers to the Respondent's website for commercial gain.

The Domain Name is registered and being used in bad faith. The Respondent's choice for the Domain Name was not a coincidence, but rather an act of bad faith. As mentioned above, although the "grab" word has a common meaning in English (*i.e.*, to take hold of something or someone suddenly and roughly), but it has been lawfully registered and used for unrelated goods or services by the Complainant and its licensees. The Trademark, therefore, has been perceived by the public as distinctive and highly associated with the mobile super-app and platform to connect consumers with drivers and merchants for services such as transportation (ride bookings, ride-hailing, ride-sharing), logistics, food delivery, *etc.*

The Respondent used the Website as a portal for registration to be the Complainant's partners, in addition to collecting potential restaurant partner's information (*e.g.*, name, contact number, address, *etc.*). The website passed itself off as the Complainant's affiliates by (i) prominently using the Trademarks, (ii) posting the Complainant's information/guidelines related to the registration of the Complainant's Grabfood restaurant partners, and (iii) inviting Internet users to leave their contact so the Respondent would reach the users for guidance and supports.

The Respondent's use of privacy protection service further evidences the Respondent's bad faith intent.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements:

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

Noting the burden of proof on the Complainant, the Respondent's default (*i.e.*, failure to submit a formal response) would not by itself mean that the Complainant is deemed to have prevailed. The Respondent's default is not necessarily an admission that the Complainant's claims are true. See in this regard WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3, "In cases involving wholly unsupported and conclusory allegations advanced by the complainant, or where a good faith defense is apparent (*e.g.*, from the content of the website to which a disputed domain name resolves), panels may find that – despite a respondent's default – a complainant has failed to prove its

case. Further to paragraph 14(b) of the UDRP Rules however, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case *e.g.*, where a particular conclusion is *prima facie* obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent”.

A. Identical or Confusingly Similar

The Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the Domain Name must be shown to be identical or confusingly similar to that mark.

The Complainant has shown that it has rights in the Trademark.

As set out in the [WIPO Overview 3.0](#), section 1.7, the first element functions primarily as a standing requirement. The threshold test for confusing similarity between the Domain Name and the Trademark involves a relatively straightforward comparison

In the light of the foregoing, the Panel finds that the Domain Name is confusingly similar to the Trademark. The Domain Name consists of the Trademark in its entirety, preceded by the Vietnamese term “dankgy” (meaning “register” in English) and followed by the descriptive term “nhanh” (meaning “quickly” in English). The Trademark is recognizable as such, and the additional terms does not prevent a finding of confusing similarity.

In the light of the foregoing, the Panel finds that the Domain Name is confusingly similar to the Trademark.

Therefore, the Panel is satisfied that the first element of the Policy is met.

B. Rights or Legitimate Interests

The Panel has carefully considered the factual allegations that have been made by the Complainant and supported by the submitted evidence.

In particular, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy from which the Panel might conclude that the Respondent has rights or legitimate interests in the Domain Name, such as:

- (i) use or preparation to use the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services prior to notice of the dispute; or
- (ii) being commonly known by the Domain Name (as an individual, business or other organization) even if the Respondent has not acquired any trademark or service mark rights; or
- (iii) making 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 Respondent does not seem to be affiliated with the Complainant in any way. Furthermore, the Complainant has not licensed or authorized the Respondent to use the Trademark in any way. There is no record showing that the Respondent has ever established rights or legitimate interests in any domain name, trademark or trade name incorporating or is similar to the Trademark.

However, the Respondent is clearly trying to impersonate the Complainant by operating the Website, which displays the Trademark. With the use of the Trademark and the Website, the Respondent tries to direct users to apply/register on the Website to become the Complainant's restaurant partners. Furthermore, the Respondent posted content providing information of the Complainant's subsidiary in Viet Nam on the Website. Also, the Trademark is clearly depicted and therefore, Internet users and customers are misled.

The false references and deliberate use with the intention to create an undue association between the Complainant and the Respondent clearly establishes that the Respondent was not using the Domain Name for a *bona fide* offering of goods or services, but was attempting to use the Trademark and the Domain Name to redirect consumers to the Respondent's website for commercial gain.

Such impersonation is sufficient to conclude that the Respondent lacks rights or legitimate interests in the Domain Name.

Moreover, the Complainant's assertions have not been rebutted by the Respondent to indicate whether it has any rights or legitimate interests in the Domain Name. There was also no evidence put forward by the Respondent to indicate that the Respondent was licensed or authorized by the Complainant to use the Trademark.

Therefore, the Panel is satisfied that the second element of the Policy is met.

C. Registered and Used in Bad Faith

The Panel finds that the Domain Name was registered and is being used in bad faith.

The Panel refers to its consideration under section 6.B and adds the following:

Given the contents of the Website, and impersonation of the Complainant on the Website by (i) prominently using the Trademarks, (ii) posting the Complainant's information/guidelines related to the registration of the Complainant's Grabfood restaurant partners and (iii) not making it clear that the Respondent is not affiliated with the Complainant, it is beyond doubt that the Respondent has been aware of the Complainant when registering this Domain Name. Such use is also clearly use in bad faith.

The Respondent's use of privacy protection service and the lack of a response, supports such finding of the Respondent's bad faith intent.

Therefore, the Panel is satisfied that the third element of the Policy is met.

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 <dangkygrabnhanh.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: June 15, 2023