

ADMINISTRATIVE PANEL DECISION

Qatar Airways Group (Q.C.S.C.) v. Milen Radumilo
Case No. D2023-2217

1. The Parties

Complainant is Qatar Airways Group (“Q.C.S.C.”), Qatar, represented by Brand Enforcement Team 101 Domain, United States of America.

Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <qatarairways.info> is registered with Columbianames.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 22, 2023. On May 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 25, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on June 2, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 7, 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 June 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 30, 2023.

The Center appointed Gabriel F. Leonardos as the sole panelist in this matter on July 21, 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 Qatar Airways Group, operating in the travel and airline industry since 1994, and currently provides more than 160 destinations worldwide through their primary website <qatarairways.com>.

Complainant offers a wide selection of travel destinations and campaigns under the word mark QATAR AIRWAYS.

Complainant owns a wide portfolio of trademark registrations internationally containing the word mark QATAR AIRWAYS, such as:

| Registration No. | Trademark | Jurisdiction | International Class | Date of Registration |
|------------------|--|-------------------------|--|----------------------|
| 012118865 |  | European Union | 18, 25 | January 15, 2012 |
| 4698850 |  | United States | 16, 39 | June 24, 2009 |
| 1594207 |  | International Trademark | 09, 16, 18, 25, 28, 35, 36, 39, 41, 43 | July 29, 2020 |

The disputed domain name was registered on March 9, 2023 and it resolves to a website which is restricted by the browser's security and antivirus system for potentially dangerous content.

5. Parties' Contentions

A. Complainant

Complainant pleads that the disputed domain name is identical or confusingly similar to the registered trademark QATAR AIRWAYS, since it fully incorporates Complainant's trademark QATAR AIRWAYS. Complainant further contends that its business is well known around the world for the trademark QATAR AIRWAYS.

Complainant affirms that the disputed domain name uses the trademark QATAR AIRWAYS in its entirety with the intent of inappropriately redirecting visitors to a blocked security web page warning visitors of malware and/or adware.

Therefore, according to Complainant, the disputed domain name is confusingly similar with Complainant's trademark QATAR AIRWAYS, fulfilling paragraph 4(a)(i) of the Policy and paragraphs 3(b)(viii) and 3(b)(ix)(1) of the Rules.

In addition, Complainant states that Respondent does not have any rights or legitimate interests in respect of the disputed domain name, nor is Respondent commonly known by the disputed domain name. Further, Respondent has not been authorized, or licensed to use Complainant's trademark QATAR AIRWAYS as a domain name nor is Respondent associated with Complainant.

Accordingly, Complainant states that no legitimate use of the disputed domain name could be reasonably claimed by Respondent, thus paragraph 4(a)(ii) of the Policy and paragraph 3(b)(ix)(2) of the Rules have been fulfilled.

Thus, according to Complainant, the requirements for the identification of bad faith registration and use of the disputed domain name have been fulfilled as the disputed domain name directs visitors to a blocked website and Respondent's pattern of cybersquatting trademark domain names involved with over 150 cases of disputed domain names, pursuant to paragraph 4(a)(iii) 4(b); Rules, paragraph 3(b)(ix)(3) of the Policy.

Accordingly, Complainant requests transfer of the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To succeed in a UDRP complaint, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proving these elements is upon Complainant.

Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, in the absence of exceptional circumstances, the panel's decision shall be based upon the complaint.

A. Identical or Confusingly Similar

Complainant has duly proven that it owns prior trademark rights for QATAR AIRWAYS, and that the disputed domain name is constituted by the trademark QATAR AIRWAYS in its entirety.

The disputed domain name consists also of the generic Top-Level Domain ("gTLD") ".info". The applicable gTLD in a domain name, such as ".info" in this case, is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test (see section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Thus, the Panel finds that the disputed domain name is confusingly similar to Complainant's trademark QATAR AIRWAYS, and so the requirement of the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

The consensus view of UDRP panels on the burden of proof under paragraph 4(a)(ii) of the Policy is summarized in section 2.1 of the [WIPO Overview 3.0](#) as follows: "[w]hile the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests,

the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

In this case, noting the facts and contentions listed above, the Panel finds that Complainant has made out a *prima facie* case showing that Respondent lacks rights or legitimate interests in the disputed domain name, so the burden of production shifts to Respondent. As Respondent has not replied to Complainant’s contentions, the Panel has considered Complainant’s un rebutted *prima facie* case to be sufficient to demonstrate that Respondent has no rights or legitimate interests in the disputed domain name.

Furthermore, Respondent has not used the disputed domain name in the context of a *bona fide* offering of goods or services that could demonstrate rights or legitimate interests, since the evidence shows that the disputed domain name was flagged by multiple security vendors for distributing malicious DNS activity (Annex 6 of the Amended Complaint).

The Panel finds that the use of the disputed domain name for illegal activity (e.g., distributing malware) can never confer rights or legitimate interests on Respondent.

Therefore, the Panel finds that the requirement of the second element of paragraph 4(a) of the Policy is also satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists a number of circumstances that, without limitation, are deemed evidence of registration and use of a domain name in bad faith.

Respondent has registered the disputed domain name that fully incorporates Complainant’s well known trademark QATAR AIRWAYS in its entirety. The Panel finds that it was duly demonstrated that Respondent must have been aware of Complainant’s rights to the trademark QATAR AIRWAYS at the time of the registration – as Complainant enjoys a worldwide reputation with the use of the referred trademark.

The Panel finds that it was duly demonstrated that Respondent was likely aware of Complainant’s rights to QATAR AIRWAYS at the time of the registration, as Complainant’s trademark is widely known and enjoys an international reputation in the travel sector.

Moreover, according to Complainant, the previous use of the disputed domain name to distribute malware by Respondent (Annex 6 of the Complaint), affirms the likelihood of Respondent’s knowledge of Complainant’s trademark and a clear intent to take a free ride on Complainant’s renown trademark. Accordingly, the Panel finds that Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating likelihood of confusion with Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the website.

Moreover, it should be noted that, in the circumstances, Respondent’s lack of response further reinforces that the disputed domain name most likely was registered and is being used in bad faith. In this sense, the panel found in *Instagram, LLC v. Registration Private, Domains By Proxy, LLC / Alexis Kane*, WIPO Case No. [D2021-0912](#), that:

“The following factors were also considered by the Panel as indicative of bad faith registration and use of the disputed domain name: (i) the Respondent’s lack of response to the Complaint. See, *Awesome Kids LLC and/or Awesome Kids L.L.C. v. Selavy Communications*, WIPO Case No. [D2001-0210](#); (ii) the Respondent’s lack of response to the cease and desist letter sent by the Complainant. See, e.g. *Intesa Sanpaolo S.p.A. v. Ekkert Ida*, WIPO Case No. [D2018-2207](#); (iii) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain name as per paragraph 4(b) of the Policy.”

Respondent also has a documented history of cybersquatting trademark domain names of other well-known companies such as *Moderna, Inc., and ModernaTX, Inc. v. Milen Radumilo*, WIPO Case No. [D2022-2654](#).

In light of the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith. Therefore, the requirement of the third element of paragraph 4(a) of the Policy is satisfied.

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 <qatarairways.info> be transferred to Complainant.

/Gabriel F. Leonardos/

Gabriel F. Leonardos

Sole Panelist

Date: August 4, 2023