

ADMINISTRATIVE PANEL DECISION

Grabtaxi Holdings Pte. Ltd. v. Nguyễn Trọng Trà
Case No. D2023-5009

1. The Parties

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

The Respondent is Nguyễn Trọng Trà, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <graplongthanhsieure.com> is registered with Nhan Hoa Software Company Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on December 1, 2023. On December 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 3, 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 (To Mo) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 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 December 12, 2023.

On December 19, 2023 the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the disputed domain name is Vietnamese. On December 20, 2023, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Vietnamese and English, and the proceedings commenced on January 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 2, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on February 7, 2024. 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

According to information in the Complaint, the Complainant is a company incorporated in the Republic of Singapore in 2013, which offers software platforms and mobile applications for, among other services, ride-hailing, ride-sharing, food delivery, logistics services, and digital payment. Its services include the mobile application named 'Grab'. The Complainant has a strong presence in Singapore and Malaysia, and its goods and services are also offered in neighboring Southeast Asian nations such as Viet Nam, Indonesia, Thailand, the Philippines, Myanmar, and Cambodia.

The Complainant is the holder of a number of trademarks for GRAB, including the International trademark No. 1554687 for GRAB (word) registered on April 9, 2021 for class of services 41 (designated countries including Viet Nam), or the International trademark No. 1538082 for GRAB (stylized) registered on May 2, 2020 for class of services 44 (designated countries including Viet Nam). The Complainant is also the owner of the domain name <grab.com> which it uses as its official website.

The disputed domain name was registered on January 2, 2022. According to evidence with the Complaint, the disputed domain name is used to provide similar services with those of the Complainant, displaying the Complainant's GRAB trademark and using the same colour as the Complainant's stylized trademark.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name includes a typographical variation of its GRAB trademark (the letter "b" being replaced with "p"), in addition to descriptive terms, respectively "longthanh", which is a geographical location in Viet Nam and "sieure", which is a Vietnamese term "siêu rẻ" meaning "super cheap" in English. The Complainant contends that given that it also provides its services in Binh Duong Province, Viet Nam, the confusing similarity between the disputed domain name and its GRAB trademark is increased, as it may suggest that the disputed domain name resolves to the official website of a subsidiary of the Complainant in that specific location. Also, the term "sieure" should be deemed descriptive of the transportation booking services offered on the website at the disputed domain name and also for the services under the Complainant's GRAB trademarks.

As regards the second element, the Complainant contends that the Respondent has not been authorized by the Complainant to use its mark within the context of the disputed domain name. The Complainant alleges 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 GRAB trademarks in any manner. The website at the disputed domain name fails to accurately represent that there is no relationship between the Complainant and the Respondent. It offers similar services to customers, using the trademark GRAB, with the intention of creating an undue association between the Complainant and the Respondent.

With respect to the third element, the Complainant argues that the Respondent's choice of the disputed domain name was not a coincidence, but rather an act of bad faith, as the Complainant's GRAB trademark is 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, who runs its business in the same industry as the Complainant, must have had prior knowledge of the Complainant's GRAB trademarks before registering the disputed domain name. The Respondent is using the disputed domain name in bad faith as the Respondent offers the same services (i.e., transportation including ride bookings, ride-hailing, and ride-sharing) as those that the Complainant has been providing to customers worldwide, while the Respondent is not the Complainant's authorized agent to offer such services in Vietnamese market or use the Complainant's trademarks in any manner. The Respondent is using the Complainant's trade name and logos on the website at the disputed domain name without the Complainant's authorization (the logo used on the website at the disputed domain name has been altered, with the letter "b" being turned upside-down to make a letter "p").

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

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

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Vietnamese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English because it is a Singaporean entity and if the Complainant would be required to have the documents translated into Vietnamese, the proceeding will be unduly delayed, and the Complainant will have to incur substantial expenses for translation. Also, the website under the disputed domain name incorporates elements in English, clearly showing that the Respondent can communicate well in English. Also, English is a common language in international business, and it is also quite popular in Viet Nam, where the Respondent is located.

The Respondent did not make any submissions with respect to the language of the proceeding.

The above satisfies the Panel that the Respondent would not be disadvantaged if the language of the proceeding is English, and that using the English language in this proceeding would be fair and efficient. Therefore, in exercise of its powers under paragraph 11 of the Rules, the Panel decides that the language of this administrative proceeding will be English. In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and

justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name, which consists of the obvious misspelling of the GRAB trademark of the Complainant, with the replacement of a letter "b" with "p". This misspelling in the disputed domain name also referred to as typosquatting, does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.9). Accordingly, the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "longthanh", which is a geographical location in Viet Nam and "sieur", which means as per the unrebutted assertions in the Complaint, "super cheap" in English) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

As established by previous UDRP panels, it is sufficient for the complainant to make a prima facie case demonstrating that the respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the respondent (see section 2.1 of the [WIPO Overview 3.0](#)). In the present case, the Complainant has proved it holds rights over the trademark GRAB, and claims that the Respondent has no legitimate reason to register or acquire the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name. Rather, according to unrebutted evidence with the Complaint, the website at the disputed domain name allegedly offers services similar with those of the Complainant, displaying the Complainant's trademark GRAB and a similar logo (using the same font and colour green but replacing "b" with "p" at the end of the word), with no disclaimer as to the relationship or lack thereof with the Complainant. Such use does not in the circumstances of this case give rise to any rights or legitimate interests on the Respondent's part.

There is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The Panel considers that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent failed to rebut that prima facie case because the Respondent did not respond to the Complainant's contentions.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

According to the un rebutted assertions of the Complainant, its GRAB trademark was widely used in commerce well before the registration of the disputed domain name, including in the Respondent's country. The disputed domain name is confusingly similar with the Complainant's trademark and it includes a misspelled version of the trademark GRAB, together with descriptive terms that may even enhance the perception that the disputed domain name is sponsored or endorsed by the Complainant. The website at the disputed domain name displays the Complainant's trademark and logo, purporting to offer similar services with those of the Complainant. The Complainant denies extending an authorization for use of the disputed domain name in the above manner. Given the circumstances in the case, on balance of probabilities, the Panel considers that the Respondent was aware of the Complainant's trademark at the registration date of the disputed domain name and it targeted it and that it has intentionally created a likelihood of confusion with the Complainant's trademarks and website in order to attract Internet users for its own commercial gain, as envisaged by paragraph 4(b)(iv) of the Policy and/or to disrupt the business of the Complainant.

Further, the Respondent has not participated in these proceedings and has failed to rebut the Complainants' contentions or provide any evidence of actual or contemplated good-faith use. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <graplongthanhsieure.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: February 16, 2024