

## **ADMINISTRATIVE PANEL DECISION**

beIN Media Group LLC v. Hassan Amin

Case No. D2024-0673

### **1. The Parties**

The Complainant is beIN Media Group LLC, Qatar, represented by Tmark Conseils, France.

The Respondent is Hassan Amin, Egypt.

### **2. The Domain Name and Registrar**

The disputed domain name <beineg.com> is registered with Launchpad.com Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 2024, 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 the Complainant on February 15, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent an informal email communication to the Center on February 15, 2024. The Complainant filed an amended Complaint on February 16, 2024.

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 February 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2024. The Response was filed with the Center on March 14, 2024.

The Center appointed Jane Seager as the sole panelist in this matter on April 3, 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**

First established in 2003 under the Al Jazeera Sport trade name, the Complainant is a Qatar-based media group engaged in the broadcasting of major sports events and entertainment. The Complainant offers subscriptions to television channels, websites, and mobile apps in its broadcasting territories, which include over 40 countries across Asia, Australasia, Europe, the Middle East, Africa, and North America.

The Complainant is the owner of a number of trademark registrations for BEIN and BEIN SPORT, including the following:

- European Union Trade Mark No. 010617058, BEIN, registered on June 15, 2012; and
- International Trademark Registration No. 1195099, BEIN SPORT (figurative), registered on October 14, 2013, designating Algeria, Bahrain, Egypt, the European Union, Iran (Islamic Republic of), Morocco, Oman, and Sudan.

The Complainant is also the registrant of a number of domain names comprising its trademarks, including <beinsports.com>, which resolves to a public-facing website displaying sports content provided by the Complainant.

The disputed domain name was registered on May 24, 2022. The disputed domain name resolves to a website in Arabic (the "Respondent's website") that purports to offer subscription services for sports, television, movies, and other content. The Respondent's website makes use of a variant of the Complainant's BIEN SPORT figurative trademark in its header and as a favicon. The Respondent's website makes use of a similar purple and white color scheme as that used by the Complainant on its official website, and states "Copyright © 2024 beIN Sports Egypt" in its footer. On the "Who We Are" page of the Respondent's website, the Respondent appears to hold itself out as an official provider of the Complainant's broadcasting services.

#### **5. Parties' Contentions**

##### **A. Complainant**

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

The Complainant asserts rights in the trademark BEIN. The Complainant submits that the disputed domain name is confusingly similar to the Complainant's trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant notes that the disputed domain name resolves to a website that purports to be an official website of the Complainant. There being no prior authorization for the Respondent to use the Complainant's trademarks, the Complainant argues that the Respondent's website is likely to confuse Internet users and submits that such use of the disputed domain name does not amount to a bona fide offering of goods or services. The Complainant contends that the Respondent is not commonly known by the disputed domain name, and further submits that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that its BEIN trademark is well known throughout the world and infers that the Respondent was well aware of the Complainant and its rights when registering the disputed domain name. The Complainant submits that the Respondent registered the disputed domain name in order to take advantage of the confusion resulting from a possible association between the disputed domain name and the Complainant. The Complainant observes that the Respondent has used the disputed domain name in order to attract Internet users to its own competing website, purporting to offer competing services, displaying the Complainant's trademark, making use of similar colors and variations of the Complainant's logos. The Complainant submits that the Respondent intended to mislead Internet users into believing that the Respondent's website is an official website of the Complainant, or that it is endorsed by the Complainant, thereby taking advantage of the Complainant's trademarks for the Respondent's own commercial gain.

The Complainant requests transfer of the disputed domain name.

## **B. Respondent**

The Response consisted of the following statement:

"Please note that all of the Complainant's evidence relies on proof of identity between beineg.com and his brand name, which does not apply here in this case even if there is some similarity between both. The evidence already sent by the complainant, such as adding different brand names on beineg.com website, proves the lack of identity. In addition all registered names, geographical areas, products and services sent by the complainant are not the same as those found on beineg.com. In addition, the complainant raised his flag several times expressing his fear that his trademark was being used incorrectly, but did not submit even a single case to justify his concerns. So a complaint based on mere assumptions, expectations and judgments does not meet the real truth and cannot be the reason to give them beineg.com domain."

## **6. Discussion and Findings**

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was registered and is being used in bad faith.

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

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

The disputed domain name comprises the Complainant's BEIN trademark in its entirety, followed by the letters "eg", ostensibly as an abbreviation for "Egypt". Although the addition of other terms or letters, here "eg", may bear on assessment of the second and third elements, the Panel finds the addition of the letters "eg" 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

As noted above, the Respondent’s website purports to offer subscription services for sports, television, movies, and other content, making use of a variant of the Complainant’s figurative BEIN SPORT trademark, featuring a similar color scheme to that used by the Complainant, and essentially holding itself out as an official provider of the Complainant’s services. There is no evidence of any prior business relationship between the Parties, nor has the Respondent been granted any authorization to make use of the Complainant’s trademarks. Internet users viewing the Respondent’s website are likely to be misled into believing that the Respondent’s website is operated by or otherwise affiliated with the Complainant, which is not the case. The Respondent appears to be making use of the Complainant’s trademarks in the disputed domain name and on the Respondent’s website to derive unauthorized commercial gain. Such use of the disputed domain name does not amount to a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

The Respondent’s name bears no resemblance to the disputed domain name. There is no other evidence to support a finding that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Nor is the Respondent making legitimate noncommercial or fair use of the disputed domain name pursuant to paragraph 4(c)(iii) of the Policy.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Notwithstanding the Respondent’s assertions, the Panel finds that the Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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

## **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

As noted above, the Respondent has sought to create confusion with the Complainant by purporting to offer subscription services for sports, television, movies, and other content via the Respondent’s website. The Panel infers that the Respondent was well aware of the Complainant and its trademarks when registering the disputed domain name, and did so with a view to creating a misleading impression of association between the disputed domain name and the Complainant’s trademarks.

The Panel further finds that by using the disputed domain name, as described above, 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 trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the goods and services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

## **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 <beineg.com> be transferred to the Complainant.

*/Jane Seager/*

**Jane Seager**

Sole Panelist

Date: April 17, 2024