

ADMINISTRATIVE PANEL DECISION

World First UK Limited v. Lam Huu Lam, Đầu tư và phát triển kinh doanh
World First
Case No. D2024-1514

1. The Parties

The Complainant is World First UK Limited, United Kingdom (hereafter “UK”), represented by ELLALAN, Hong Kong, China.

The Respondent is Lam Huu Lam, Đầu tư và phát triển kinh doanh World First, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <oneworldfirst.com> (the “Disputed Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2024. On April 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 11, 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 (Domain Admin) and contact information in the WHOIS record filed as an annex to the Complaint. The Center sent an email communication to the Complainant on April 16, 2024, 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 21, 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 April 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 25, 2024.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on May 30, 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

The Complainant, World First UK Limited, is a global fintech company established in 2004 that provides digital payments and financial services for cross-border businesses. The Complainant employs more than 500 people worldwide.

The Complainant is the owner of several trademarks including the following:

- WORLDFIRST, international word mark registered under No. 1398207 on September 19, 2017, in classes 9 and 36, covering, among other countries, Vietnam;
- UK figurative mark registered under No. UK00002454370 on September 28, 2007, in class 36:



The Disputed Domain Name was registered on November 2, 2023. According to the Complainant's evidence, the Disputed Domain Name appeared to resolve to a website in Vietnamese mentioning the Complainant's WORLDFIRST trademark, company name, the address of its registered offices and the domain name <worldfirst.com> linked to the Complainant's official website. The Panel observes that the Disputed Domain Name currently resolves to an inaccessible website.

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 further claims that the Respondent has no legitimate interests in respect of the Disputed Domain Name as:

- the Complainant has never permitted the Respondent to use the WORLDFIRST trademarks to register any domain name;
- the Complainant has found no registered trademark corresponding to the Disputed Domain Name or any registered trademark registered by the Respondent;
- the Respondent has been using the Disputed Domain Name to mislead costumers into believing that the Respondent's website is associated with websites owned by the Complainant.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant:

- the Respondent should have had the knowledge of the Complainant and it's WORLDFIRST trademarks;
- the Respondent used the Disputed Domain Name to direct to a website that was designed to look like a website of the Vietnamese branch of the Complainant;

- when researching the Respondent's organization name on Google, no results related to the Respondent are found;
- the Respondent is making use of the significant reputation, level of goodwill and the trademark of the Complainant to attract traffic to the website linked to the Disputed Domain Name;
- the website linked to the Disputed Domain Name is likely to be used for fishing by trying to collect personal information of Internet users;
- even though the Disputed Domain Name is currently not in use, it is used to divert Internet traffic for the Respondent's own commercial gain.

B. Respondent

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

6. Discussion and Findings

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.

Based on the available record, the Panel finds 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 observes that the entirety of the WORLDFIRST mark is reproduced within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of another term – here, "one" – 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.

It is well established that generic Top-Level-Domains ("gTLDs"), here ".com", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights.

Based on the available record, 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.

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. 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.

According to the information provided by the Registrar, the Respondent is "Lam Huu Lam" from the organization "Đầu tư và phát triển kinh doanh World First". The Panel finds that despite the presence of the terms "World First" in the name of the Respondent's organization, the Respondent has not apparently been commonly known by the Disputed Domain Name. The Panel notes that the Respondent does not seem to have acquired trademark or service mark rights. The Respondent's use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry. Even where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

The Disputed Domain Name incorporates the Complainant's WORLDFIRST trademark in its entirety and merely adds the descriptive term "one". In the Panel's view, this term may be considered to relate to the Complainant and its WORLDFIRST mark, especially given the correlation between this term and the second part of the Complainant's trademark "first". Therefore, the Panel finds that the Disputed Domain Name carries a risk of implied affiliation with the Complainant.

Beyond looking at the domain name and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), (see sections 2.5.2 and 2.5.3 of the [WIPO Overview 3.0](#)).

According to the Complainant's evidence, the Disputed Domain Name appeared to resolve to a website offering sales services for cross-border e-commerce businesses and mentioning (slight variations of) the Complainant's WORLDFIRST trademark and company name, the address of its registered offices and the domain name <worldfirst.com> linked to the Complainant's official website. The Panel finds that this does not amount to a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the Disputed Domain Name.

The Panel observes that the Disputed Domain Name currently resolves to an inaccessible website. In the Panel's view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, 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 established above, the Complainant's has shown that the Disputed Domain Name resolved to a website offering sales services for cross-border e-commerce businesses and mentioning (slight variations of) the Complainant's WORLDFIRST trademark and company name, the address of its registered offices and the

domain name <worldfirst.com> linked to the Complainant's official website. In the Panel's view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. [WIPO Overview 3.0](#), section 3.2.4.

Other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the Disputed Domain Name as:

- Some of the Complainant's trademarks predate the registration of the Disputed Domain Name by more than 15 years. The Complainant's international mark covering Vietnam, where the Respondent appears to be located, predates the registration of the Disputed Domain Name by more than 6 years;
- The Disputed Domain Name incorporates the Complainant's trademark in its entirety, and combines it with a short term which could be seen as referring to the Complainant and/or its WORLDFIRST trademark;
- The Disputed Domain Name appeared to resolve to a website not only mentioning (slight variations of) the Complainant's WORLDFIRST trademark, but also company information such as the address of the Complainant's registered offices.

Given the totality of the circumstances discussed above, the current state of the Disputed Domain Name redirecting to an inaccessible webpage does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Based on the available record, 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 <oneworldfirst.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: June 13, 2024