

ADMINISTRATIVE PANEL DECISION

Hasheem Investments Holding Limited v. Larry Rocker Case No. D2024-2266

1. The Parties

The Complainant is Hasheem Investments Holding Limited, United Arab Emirates (“UAE”), represented by Clyde and Co, LLP, UAE.

The Respondent is Larry Rocker, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <hasheeminvestment.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2024. On June 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 4, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 6, 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 June 11, 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 June 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 8, 2024.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on July 15, 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 is the private family office of His Highness Sheikh Butti Bin Juma Al Maktoum, a member of the ruling family of the Emirate of Dubai in the UAE. The Complainant oversees the investment and management of various projects in the UAE and abroad.

The name Hasheem has been in use by the Complainant and/or its group of companies since 2018 (Annex 6 to the Complaint) in connection with investments and the management of businesses in education, entertainment, and real estate, also holding the Complainant the domain name <hasheemgroup.com>, registered on October 8, 2019.

In a past UDRP decision (*Hasheem Investments Holding Limited v. Nuri Jules*, WIPO Case No. [D2023-4698](#)) it has already been found that the Complainant can rely on common law or unregistered trademark rights in HASHEEM for the purposes of the Policy.

The disputed domain name was registered on July 22, 2023, and presently resolves to an active webpage impersonating the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the name Hasheem has been in use by the Complainant and/or its group companies since at least 2018 when it registered the company name Hasheem Education, there further having been registered other companies (such as Hasheem Family Foundation; Hasheem Investments LLC; Hasheem Education LLC; Hasheem Real Estate Ltd; Hasheem Joint Ventures Holding Ltd; and Hasheem General Trading LLC) with that name that belong to the Complainant's group.

Notably, the Complainant contends that the disputed domain name is identical to the name "Hasheem Investment" as well as is confusingly similar to the Complainant's genuine domain name <hasheemgroup.com>.

Furthermore, the Complainant argues that the disputed domain name is being used in connection with a website impersonating the Complainant, as well as listing some of the most influential directors and employees of the Complainant, in an attempt to lend credulity to it, also indicating an address connected with the Complainant so as to defraud Internet users.

The Complainant thus contends that the Respondent does not have rights or legitimate interests in the disputed domain name which has been registered and used in bad faith, seeking to create a false association and lure consumers into trusting the website's content so as to defraud the consumer of money or personal data or to otherwise divert business from the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

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

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain name.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

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.

As seen above, past Panel has already recognized that the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain name. This entitles the Panel to draw any inferences from such default, as it considers appropriate, pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make at least a prima facie case against the Respondent under the second UDRP element.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent whom has been using the disputed domain name to impersonate the Complainant, what clearly does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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

C. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of a disputed domain name, where a respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, both the registration and use of the disputed domain name in bad faith can be found pursuant to Policy, paragraph 4(b)(iv), in view of the website available at the disputed domain name, which creates a likelihood of confusion with the Complainant's goodwill unlawfully harming the Complainant's business.

Moreover, in these circumstances, bad faith of the Respondent is also supported here by the lack of reply by the Respondent invoking any rights or legitimate interests.

For the reasons above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy. The third element of the Policy has therefore been met.

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 <hasheeminvestment.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: July 29, 2024