

ADMINISTRATIVE PANEL DECISION

İmannoor Tekstil ve Ticaret Anonim Şirketi (İmannoor) v. Ahmet GUL, Ahmet Gul

Case No. D2024-4692

1. The Parties

The Complainant is İmannoor Tekstil ve Ticaret Anonim Şirketi (İmannoor), Türkiye, represented by Deriş Avukatlık Ortaklığı, Türkiye.

The Respondent is Ahmet GUL, Ahmet Gul, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <imannur.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in Turkish with the WIPO Arbitration and Mediation Center (the “Center”) on November 12, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (İsim Gizlidir) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 November 19, 2024.

On November 15, 2024, the Center informed the parties in English and Turkish, that the language of the registration agreement for the disputed domain name is English. On November 19, 2024, the Complainant submitted the Complaint translated into English. 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, and the proceedings commenced on November 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2024. The Respondent sent an email communication to the Center on November 20, 2024.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on December 16, 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 a women clothing brand based in Türkiye. The Complainant's product range includes silk scarves, shawls, kaftans, dresses, and kimonos.

The Complainant owns word and figurative İMANNOOR trademark registrations in Türkiye, where the Respondent is reportedly located. The Complainant is the registered owner of the following trademark registrations:

- Turkish Registration İMANNOOR (word) No. 2016 58147, registered on December 8, 2016, in classes 03 / 04 / 14 / 24 / 25 / 27 / 30;
- Turkish Registration İMANNOOR (word) No. 2021 161579, registered on May 9, 2022, in classes 03 / 04 / 14 / 24 / 25 / 27 / 30 / 35;
- Turkish Registration İMANNOOR (device) No. 2021 161581, registered on April 25, 2022, in classes 03, / 04 / 14 / 24 / 25 / 27 / 30 / 35;
- Turkish Registration İMANNOOR (device) No. 2022 117271, registered on January 26, 2023, in classes 03, 04 / 14 / 18 / 24 / 25 / 27 / 30 / 35.

The Complainant also owns and operates a website at "www.imannoor.com" since 2016 (Annex 6 to the Complaint).

The disputed domain name was registered on May 21, 2024. At the time of filing the Complaint, the disputed domain name resolved to the Registrar's parked page. The Panel visited the website connected to the disputed domain name on December 19, 2024, and determined that disputed domain name does still not resolve to an active website.

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 is audibly identical and visually indistinguishably similar with its registered trademarks as the Complainant's trademark is pronounced as "imannur" since two "o" letters next to each other give the sound "u".

The Complainant contends that the Complainant has not granted the Respondent any license, permission, or authorization to use the İMANNOOR trademark in any domain name.

The Complainant, finally, asserts that the disputed domain name was registered and has been used in bad faith. As the Respondent's simultaneous registration of the disputed domain name <imannur.com> and filing

of the trademark application no. 2024/066484, on its own name for “imannur.com” on May 21, 2024, indicates a coordinated effort to appropriate the Complainant’s trademark identity.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions. On November 20, 2024, in response to the email regarding Notification of Complaint and Commencement of Administrative Proceeding from the Center, the Respondent emailed the Center as follows:

“Hello, I am replying to this message. Could you please inform me? Thank you.”

6. Discussion and Findings

6.1. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) and the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- (iii) and the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant’s contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#). However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”).

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

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.

A comparison between the disputed domain name and the trademark shows that the disputed domain name is composed of a variation of the trademark (i.e. “imannur” instead of IMANNOOR, whereby the difference is limited to the replacement of two letters, i.e. “oo” by “u”). The Panel finds that the replacement of two letters of the trademark within the disputed domain name does not prevent the finding of confusing similarity as the trademark remains sufficiently recognizable in the disputed domain name. Additionally, the disputed domain

name and Complainant's trademark are phonetically similar. Because "Noor" is a name of Arabic origin meaning "light" and is pronounced as "nur" in Turkish where both parties are located.

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.

It is a well-established view of the UDRP panels, with which this Panel agrees, that a prima facie case advanced by the complainant is generally sufficient for the complainant to satisfy the requirements under paragraph 4(a)(ii) of the Policy, provided that the respondent does not submit any evidence to the contrary (*AGUAS DE CABREIROA, S.A.U. v. Hello Domain*, WIPO Case No. [D2014-2087](#); *Spigen Korea Co., Ltd., Spigen Inc. v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2016-0145](#); *HubSpot, Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Steve Johnson*, WIPO Case No. [D2016-1338](#)).

In the present case, taking into consideration the Respondent's default, this Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, in view of the circumstances of this case, including the following factors:

- there is no evidence that the Respondent has been commonly known by the disputed domain name;
- there is no evidence that the Respondent has been licensed or authorized to use the disputed domain name by the Complainant;
- there is no evidence that legitimate noncommercial or fair use of the disputed domain name has taken place.

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.

In the present case, the Panel notes that the Respondent more likely than not had the Complainant and its İMANNOOR trademarks in mind when registering the disputed domain name as the Respondent applied for a trademark application for the term "imannur.com" for the same type of goods as offered by the Complainant. The Respondent's email address contains the phrase "Eşarp", which translates to "Scarf" in

English, suggesting that the Respondent is likely to carry on a business in the same sector as the Complainant. Furthermore, an online search conducted by the Panel has determined that the Respondent is an individual engaged in the sale of scarves through the website “www.hijabchi.com” in Türkiye.

Additionally, the Respondent filed the trademark application for “imannur.com” and the disputed domain name registration on the same day. The Respondent’s application which has not been registered yet covers the goods for which the Complainant’s IMANNOOR trademark is registered and recognized. It rather appears that the Respondent has registered the disputed domain name solely for the purpose of creating an association with the Complainant, with its goods and services. Therefore, in the absence of a response, the Panel finds it more likely than not that the Respondent has intentionally registered the disputed domain name to offer scarves sales services by creating the impression that it is somehow officially linked to the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but 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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the circumstances of the case and finds that in this case the passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <imannur.com> be transferred to the Complainant.

/Gökhan Gökçe/

Gökhan Gökçe

Sole Panelist

Date: December 20, 2024