

## **ADMINISTRATIVE PANEL DECISION**

World Wide Technology Holding Company, LLC v. Nadia Murad  
Case No. DAE2024-0005

### **1. The Parties**

The Complainant is World Wide Technology Holding Company, LLC, of United States of America (“United States”), represented by United Trademark & Patent Services, United Arab Emirates.

The Respondent is Nadia Murad, of United Arab Emirates.

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

The disputed domain name <wwt.ae> is registered with AE Domain Administration (“.aeDA”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2024. On March 15, 2024, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On March 18, 2024, AE Domain Administration (.aeDA) transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 20, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was April 9, 2024. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent of the Commencement of Panel Appointment Process on April 17, 2024.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on May 2, 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 technology services company. It was founded in the United States in 1990. Since then, its business has grown and it has 42 offices in the United States and around the world including Australia, China, India, Japan, the Republic of Korea, Poland, Singapore, and the United Kingdom. In addition, the Complainant has been operating in the United Arab Emirates since the grant of its business license in February 2023.

In 2017, the Complainant (including its subsidiaries and affiliates) was reported to have USD 9 billion in annual revenues. Its media release in 2024 stated the Complainant's annual global revenues as USD 20 billion.

Amongst other things, the Complainant promotes its services under its trademark from a website at "www.wwt.com", which it registered in 1993.

The Complaint includes evidence that the Complainant has been awarded numerous awards over time. These include being included in Time's Inaugural List of the TIME 100 Most Influential Companies in 2021.

The Complaint also includes evidence that the Complainant owns:

- (a) European Union Registered Trademark (EUTM) No 016706616, WWT, in respect of a range of relevant goods and services in International Classes 9, 38, and 42 which was filed on May 11, 2017, and entered on the Register on October 12, 2017;
- (b) United Kingdom Registered Trademark No UK00916706574, which is the counterpart to the EUTM; and
- (c) United States Registered Trademark No 6,414,215, WWT, in respect of a range of services in International Classes 35 and 42, which was registered in the Principal Register on July 13, 2021 and claims first use in commerce in the United States since 1990 in respect of the class 42 services and 2001 in respect of the class 35 services.

For reasons which will become apparent, it is also appropriate to note that the Complainant also has numerous registered trademarks around the world for a device:



, for example, United States Registered Trademark No 6,414,216 which has been registered in the Principal Register since July 13, 2021, in respect of services in International Classes 35 and 42. In use, this device is often represented with the upper left depicted in red and the lower right "T" in bright blue. It is also often used in conjunction with the words "World Wide Technology" and this composite form has also been registered as a trademark: for example, United States Registered Trademark No 2,441,740 which was registered on October 24, 1997.

The Complainant also has pending trademark applications in the United Arab Emirates for that device or that device and the words "World Wide Technology". These are applications only at this stage and not registered. These applications were filed on November 19, 2023.

According to the Registrar, the disputed domain name was created on February 5, 2023 and registered by the Respondent on January 4, 2024.

At the time this decision is being prepared, the disputed domain name resolves to a website which features the logo:



The website appears to offer a range of business guides, templates, software, toolkits and information. When the Complaint was filed the website included a link to a Facebook account at “www.facebook.com/webrockofficial”.

The Facebook page was created on July 24, 2014 under the style “WebRock” and changed on July 28, 2016 to “WEBROCK”. As shown in Annex 10 to the Complaint, on November 14, 2023, the Respondent’s Facebook page included a post entitled “70+ Master Business Guides to Help Grow Your Business!” which featured the red and blue logo shown above over the words “World Wide Technology” and directed the viewer to the website at the disputed domain name “To Know More”.

## 5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 6(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (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 *or* is being used in bad faith.

### A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark rights.

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 (which, except as noted below, the Panel considers can be used as an approach guide given the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (UDRP), see also *MVH I, Inc v Firdos Aashiq Awan* WIPO Case No [DAE2023-0011](#)).

For present purposes, it is sufficient to focus primarily on the Complainant's proven ownership of the Registered Trademark for WWT identified above. It also appears likely that this trademark is well-known in the relevant sector given at least the continuous use of the Complainant's domain name and the volume of the Complainant's revenues.

In undertaking the comparison between the Complainant's trademark and the disputed domain name, it is permissible in the present circumstances to disregard the country-code Level Domain (ccTLD) component as a functional aspect of the domain name system. *Yves Saint Laurent SAS v. Ilyas Kerbal* WIPO Case No. [DAE2023-0001](#) and [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".ae" ccTLD, the disputed domain name consists of the Complainant's registered trademark. Accordingly, the Panel finds that the Complainant has established that the disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

## **B. Rights or Legitimate Interests**

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 6(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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 registered the disputed domain name well after the Complainant began using its trademark and also after the Complainant had registered its trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. According to the Complaint, the Respondent having previously been operating as "Webrock" adopted the style "WWT Marketing" in November 2023. That is well after the Complainant began using its trademark and also at least several

months after the Complainant was licensed to carry on business in the United Arab Emirates, in February, 2023. At that point, apart from its use by the Complainant, there was no obvious connection between the initials “WWT” and the Respondent or the Respondent’s business. The Complainant’s trademark searches in the United Arab Emirates confirm that the Respondent does not hold any trademarks for the disputed domain name.

The disputed domain name is being used in connection with a business and in context does not qualify as a legitimate noncommercial or fair use for the purposes of paragraph 6(c)(iii) of the Policy.

In addition, the Complainant contends there is considerable overlap between the services apparently being offered from the Respondent’s website and those protected by the Complainant’s trademark. On the materials before the Panel, there is considerable force in this contention (which the Respondent has not disputed). In these circumstances, the Complainant contends, and the Panel finds, there is considerable potential for use of the disputed domain name to misrepresent an association with the Complainant’s trademark.

The use of a disputed domain name of such a character does not usually qualify as a good faith offering of goods or services. The Complainant cites *Byram Healthcare Centers, Inc. v. ICS Inc. / Contact Privacy Inc.* WIPO Case No. [D2014-0027](#) in support of that proposition. That decision involved a landing page with pay-per-click (PPC) links, which is not precisely this case. The underlying proposition, however, is the use of someone else’s trademark to attract customers on the mistaken impression of an association with the trademark owner generally qualify as good faith use under the Policy.

That danger is present here all the more so given the overlap between the content of the Respondent’s website and the services covered by the Complainant’s trademark and the use on the website of a stylised device with similar colouring and similar name, “WWT Marketing”.

The Panel takes account of the fact that the disputed domain name involves a three letter acronym. As noted above, however, the Respondent adopted it well after the Complainant’s rights were acquired and in circumstances where there is no apparent association between the acronym and either the Respondent’s own name or the previous business style “Webrock” and, further, in a manner calculated to misrepresent an association with the Complainant.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has registered the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

### **C. Registered or is Being Used in Bad Faith**

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been either registered or subsequently used in bad faith by the Respondent. In contrast to the UDRP, the requirements of registration or use in bad faith are disjunctive. It is necessary for the Complainant to establish only one or the other.

The reasons for finding that the Complainant has established a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name also lead to findings that the disputed domain name has been registered and is being used in bad faith.

As already noted, the Respondent has not sought to contest the Complainant’s contentions that the disputed domain name has been registered and is being used in bad faith.

Accordingly, the Complainant has established all three requirements under the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <wwt.ae> be transferred to the Complainant.

*/Warwick A Rothnie/*

Warwick A Rothnie

Panelist

Date: May 30, 2024