

## **ADMINISTRATIVE PANEL DECISION**

Shenzhen Reolink Technology Co., Ltd. v. Wissam Alhames, Your1site  
Case No. DAE2024-0018

### **1. The Parties**

The Complainant is Shenzhen Reolink Technology Co., Ltd., China, represented by Chofn Intellectual Property, China.

The Respondent is Wissam Alhames, Your1site, United Arab Emirates.

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

The disputed domain name <reolink.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 November 11, 2024. On November 11, 2024, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On November 13, 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 November 14, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was December 4, 2024. The Response was filed with the Center on November 29, 2024.

The Center appointed John Swinson as the sole panelist in this matter on December 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**

The Complainant is a company from Shenzhen, China, that designs, produces and sells security products such as, for example, battery powered security cameras.

The Complainant was founded in 2009.

The Complainant has a portfolio of trademark registrations, including United Arab Emirates registration number 322850 for REOLINK with an effective date of February 11, 2020.

The disputed domain name was registered on May 11, 2022.

The Respondent has an address in United Arab Emirates and appears to be a manager at Trust IT Skills, a technology support company in Dubai.

The disputed domain name does not resolve to an active website.

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

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

In summary, the Complainant asserts that the Complainant is well-known. The Complainant's website, located at the domain name <reolink.com> has average monthly visits of 2.5 million visitors, and that natural search (users actively searching for "reolink") accounts for nearly 80% of this traffic.

The Respondent is not the Complainant's distributor or partner. The Complainant has never directly or indirectly authorized the Respondent to use the trademark REOLINK or the disputed domain name.

The REOLINK mark itself does not correspond to any word in common use in English or any other language. The Respondent likely registered the disputed domain name, which is identical to the Complainant's REOLINK mark, being aware of the Complainant.

The Complainant believes that the REOLINK trademark is sufficiently well known and influential, and that the Respondent has so far failed to identify any bona fide use of the disputed domain name. Taking the circumstances of the case as a whole into account, the Complainant believes that the Respondent's use of the disputed domain name satisfies the "passive possession" principle, and that the Respondent's use of the disputed domain name is in bad faith.

##### **B. Respondent**

The Respondent asserts that he registered the disputed domain name to establish a company in the United Arab Emirates for website design. The Respondent questions why the Complainant did not register the disputed domain name two years ago (in 2022) when it was available for registration. The Respondent registered the disputed domain name because it was available.

#### **6. Discussion and Findings**

Paragraph 6(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (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 has been registered or 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

The Complainant's registered trademark is REOLINK.

Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy.

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

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

Paragraph 6(a)(ii) of the Policy requires the Complainant to prove that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 6(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 proceedings under the Policy 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.

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.

The Respondent states that he plans to use the disputed domain name to establish a website development business but has not provided any proof to support this statement. If not independently verifiable by the panel, demonstrable preparations to use a domain name in connection with a bona fide offering of goods or services cannot be merely self-serving assertions but supported by relevant pre-complaint evidence.

Moreover, the Panel finds that the composition of the disputed domain name carries a high risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant.

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

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

Paragraph 6(a)(iii) of the Policy requires a demonstration that a domain name has either been registered or is being used in bad faith.

Generally speaking, a finding that a domain name has been registered or is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Panel has reviewed the Complainant's evidence and concludes that the Complainant has an international reputation in its field. In that field, the Complainant's REOLINK trademark is well-known. The Complainant has trademark rights in the United Arab Emirates where the Respondent is located, and these rights are prior to the Respondent registering the disputed domain name.

The Respondent works in the technology business and expressly states that he registered the disputed domain name to establish a website design business. The Respondent does not assert that he was unaware of the Complainant and its trademark when he registered the disputed domain name. The Panel concludes that it is likely that the Respondent was aware of the Complainant when he registered the disputed domain name and did so because of the Complainant's reputation.

There is no evidence of use of the disputed domain name. The Complainant asserts that the Respondent's use of the disputed domain name constitutes passive holding and that this passive holding constitutes bad faith. The leading case on passive holding is the long-standing decision of *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) ("*Telstra*").<sup>1</sup> In the present case, the Complainant has presented evidence to satisfy the test set out in *Telstra*. The Complainant's trademark is somewhat unique and well-known. Use by the Respondent of the disputed domain name for a website design business is likely to be bad faith use under the Policy by attracting Internet users to the Respondent's website who were looking for the Complainant's website.

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

## 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 domain name <reolink.ae> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Panelist

Date: December 17, 2024

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<sup>1</sup>In light of the substantive and procedural similarities between the uaeDRP and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has cited decisions under the UDRP, where appropriate.