

## **ADMINISTRATIVE PANEL DECISION**

International Olympic Committee (IOC) v. Navid Nikbin  
Case No. DIR2022-0008

### **1. The Parties**

The Complainant is International Olympic Committee (IOC), Switzerland, represented by Bird & Bird (Belgium) LLP, Belgium.

The Respondent is Navid Nikbin, Iran (Islamic Republic of).

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

The disputed domain name <olympics.ir> (the “Disputed Domain Name”) is registered with IRNIC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2022. On May 16, 2022, the Center transmitted by email to IRNIC a request for registrar verification in connection with the Disputed Domain Name. On May 17, 2022, IRNIC 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 .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (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 May 18, 2022. In accordance with the Rules, paragraph 5(a), the due date for Response was June 7, 2022. On June 8, 2022, the Center notified the Respondent’s default.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on June 16, 2022. 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 was founded in 1894 and is an international, non-governmental and non-profit organization which supervises the organization of the Olympic Games. The Complainant has conducted 24 Olympic Winter Games and 29 Olympic Summer Games, which are the most widely broadcast sporting, cultural and entertainment events in the world.

The Complainant is the owner of several trademark registrations which consist of the marks OLYMPIC, THE OLYMPICS and OLYMPICS including, *inter alia*, International Trademark Registration Number 1128501 for OLYMPIC registered on November 8, 2011, which has also designated Iran; International Trademark Registration Number 609691 for OLYMPIC registered on October 1, 1993; International Trademark Registration Number 787298 for THE OLYMPICS registered on August 16, 2012; and Uruguay Trademark Registration Numbers 4115338 and 430606 for OLYMPICS in different classes registered on June 25, 2012 and December 5, 2012 respectively (the "Complainant's Trademarks"). The Complainant also owns and operates the website to which the domain name <olympics.com> resolves. The Complainant has thus obtained an exclusive right to the Complainant's Trademarks through extensive use.

The Disputed Domain Name was created in 2007 and according to the Complainant was registered by the Respondent in 2018 and currently resolves to an inaccessible webpage.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant's primary contentions can be summarized as follows:

(a) The Disputed Domain Name is identical or confusingly similar to the Complainant's Trademarks. The Disputed Domain Name reproduces the Complainant's OLYMPICS trademark in its entirety and is identical to it. The Disputed Domain Name is confusingly similar to the Complainant's THE OLYMPICS trademark since it incorporates the dominant feature of the trademark THE OLYMPICS, and the Disputed Domain Name is still visually and phonetically identical to the trademark THE OLYMPICS despite the removal of the word "the" from THE OLYMPICS. Likewise, the Disputed Domain Name incorporates the Complainant's OLYMPIC trademark in its entirety with the mere addition of the letter "s" as a suffix, which does not detract from the visual and phonetical identity between the Disputed Domain Name and the OLYMPIC trademark.

(b) The Respondent does not have any rights or legitimate interests in the Disputed Domain Name. The Complainant has never licensed, authorized or permitted the Respondent, who is not associated with the Complainant in any way, to use the Complainant's Trademarks or to use the Disputed Domain Name. There is no evidence of 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 and services, nor a legitimate non-commercial or fair use of the Complainant's Trademarks. There is also no evidence suggesting that the Respondent has been commonly known by the Disputed Domain Name or the name "OLYMPIC", "THE OLYMPICS" or "OLYMPICS".

(c) Both the Respondent's registration of and its use of the Disputed Domain Name establish the Respondent's bad faith. The Respondent's registration of the Disputed Domain Name, which completely incorporates the Complainant's Trademarks, is in itself an act of bad faith by someone with no legal connection to the Complainant. In addition, the National Olympic Committee of the Islamic Republic of Iran owns and uses the domain name <olympic.ir> with the Complainant's permission. Given that the Disputed Domain Name is only one letter different from <olympic.ir>, it is likely that the Respondent's intention when registering the Disputed Domain Name was to sell it to the Complainant or the National Olympic Committee of the Islamic Republic of Iran for profit or exploit it to their benefit in the future, which demonstrates the Respondent's bad faith.

Although the Disputed Domain Name is currently not in use by the Respondent, the Complainant's rights pre-date the Respondent's registration of the Disputed Domain Name by many years, and have a strong worldwide reputation through the Complainant's extensive use. Therefore, in the absence of any evidence of current or future good faith use of the Disputed Domain Name, it can be inferred that the Disputed Domain Name is being maintained by the Respondent for future bad faith use.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent in bad faith.

### **A. Identical or Confusingly Similar**

The Panel accepts that the Complainant has rights in the Complainant's Trademarks, based on its various trademark registrations listed above in Section 4.

It is well established that in making an enquiry as to whether a trademark is identical or confusingly similar to a domain name, the country code Top-Level Domain ("ccTLD") extension, ".ir" in this case, may be disregarded. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").<sup>1</sup>

The Disputed Domain Name incorporates the distinctive component of the Complainant's Trademarks (*i.e.*, "Olympic") in its entirety.

As such, the Panel finds that the Disputed Domain Name is identical to the Complainant's Trademarks for the purposes of the Policy, and accordingly, paragraph 4(a)(i) of the Policy is satisfied.

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

Once a complainant establishes a *prima facie* case in respect of the lack of rights or legitimate interests of a respondent in a disputed domain name, the respondent then carries the burden of demonstrating that it has rights or legitimate interests in the domain name. Where the respondent fails to do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts that the Complainant has not authorized the Respondent to use the Complainant's Trademarks, and there is no relationship between the Complainant and the Respondent which would otherwise entitle the Respondent to use the Complainant's Trademarks. Accordingly, the Panel is of the view that a *prima facie* case has been established by the Complainant and it is for the Respondent to show rights or legitimate interests in the Disputed Domain Name.

---

<sup>1</sup> Noting the substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has referred to UDRP case law and analysis, where appropriate.

The Respondent did not submit a Response. The fact that the Respondent did not submit a formal Response does not automatically result in a decision in favour of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the Disputed Domain Name by demonstrating any of the following:

- (i) before any notice to him 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 was in connection with a *bona fide* offering of goods or services;
- (ii) the Respondent has been commonly known by the Disputed Domain Name, even if he 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.

There is no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name was in connection with a *bona fide* offering of goods or services. The Panel agrees with the Complainant that the Respondent's (non-) use of the Disputed Domain Name cannot be regarded as legitimate noncommercial or fair use, noting in particular that the Complainant's Trademarks would not likely be adopted by the Respondent other than for the purpose of creating an impression of an association with the Complainant or otherwise taking unfair advantage of the goodwill of the Complainant's Trademarks. In this regard, the Panel also notes the nature of the Disputed Domain Name, being identical to the Complainant's Trademarks, carries a high risk of implied affiliation. Section 2.5.1 of the [WIPO Overview 3.0](#).

In addition, no evidence has been provided to prove that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become known by the Disputed Domain Name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar to a widely-known trademark by an unaffiliated entity can already by itself create a presumption of bad faith. See paragraph 3.1.4 of the [WIPO Overview 3.0](#).

After reviewing the supporting evidence submitted by the Complainant who was founded in 1894, the Panel agrees with the Complainant that the Complainant's Trademarks are well-known. A quick Internet search conducted by the Panel shows that the top search results returned for the keyword "olympic" are the Complainant's websites. Therefore, taking this into consideration together with the fact that the Disputed Domain Name incorporates the Complainant's Trademarks in their entirety, the Respondent must have been aware of the Complainant and the rights in the Complainant's Trademarks when registering the Disputed Domain Name.

In addition, the Panel finds that the following factors further support a finding that the Disputed Domain Name was registered and is being used by the Respondent in bad faith:

(i) The Respondent failed to provide any evidence of any actual or contemplated good faith use by it of the Disputed Domain Name; and

(ii) It is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that the Disputed Domain Name solely contains the Complainant's Trademarks in their entirety. The Respondent has not demonstrated any attempt to make legitimate use of the Disputed Domain Name and the website to which it resolves, which evidences a lack of rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc., v. Ashley Khong*, WIPO Case No. [D2005-0740](#)).

In the circumstances, the Panel finds that the Respondent registered and has been using the Disputed Domain Name in bad faith, and paragraph 4(a)(iii) of the Policy has been satisfied.

## 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 <olympics.ir> be transferred to the Complainant.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

Sole Panelist

Date: June 30, 2022