Decision for dispute CAC-UDRP-107642

Case number	CAC-UDRP-107642
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Domain names	alibabatravelegypt.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Alibaba Group Holding Limited

Complainant representative

Organization	Convey srl

Respondent

Organization	Egypt Trips Guide

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant states' that It is the owner of the following trademark registrations:

- the Egyptian Trademark no. 260118 (combined), registered on 17 February 2014, for services in class 38;
- the Egyptian Trademark no. 260119 (combined), registered on 17 February 2014, for services in class 41;
- the Egyptian Trademark no. 260116 (combined), registered on 17 February 2014, for goods in class 9;
- the Egyptian Trademark no. 260117 (combined), registered on 17 February 2014, for services in class 36;
- the Egyptian Trademark no. 180856 (combined), registered on 10 June 2008, for goods in class 9;
- the Egyptian Trademark no. 260112 (combined), registered on 17 February 2014, for services in class 35;
- the US Trademark no. 2579498 “ALIBABA”, registered on 11 June 2002, for services in classes 35 and 38;
- the US Trademark no. 6156358, registered on 22 September 2020, for goods and services in classes 9, 16, 35, 36, 38, 39, 41 and 42;
- the US Trademark no. 7637658, registered on 7 January 2025, for goods and services in classes 9, 16, 35, 36, 38, 39, 41, 42 and 45;
- the EUTM no. 004534319 “ALIBABA”, registered on 2 August 2006, for products and services in classes 9, 35, 38, 42;
- the international Trademark no. 1800560 “ALIBABA”, registered on 1 March 2024, for products and services in classes 9, 35, 38, 41, 42.

The Complainant proved Its ownership of the aforementioned trademark registration by the submitted extract from the WIPO and EUIPO databases.

FACTUAL BACKGROUND

The Complainant is one of the world's largest retailers and e-commerce companies. In 2020, it was also rated as the fifth-largest artificial intelligence company. It is also one of the biggest venture capital firms and investment corporations in the world, as well as the second largest financial services group. The company hosts the largest B2B (Alibaba.com), C2C (Taobao), and B2C (Tmall) marketplaces in the world. It has been expanding into the media industry, with revenues rising by triple percentage points year after year. It also set the record on the 2018 edition of China's Singles' Day, the world's biggest online and offline shopping day.

The Complainant is active in over 190 countries. For its business, the Complaint registered the domain name <alibaba.com> in 1999. This domain name resolves to the website and platform of the Complainant.

The Complainant has been extensively using the “ALIBABA” denomination on all the existing internet environments, including, but not limited to, the company’s official website and its official accounts on the major social networks such as Facebook, TikTok, LinkedIn, Instagram, and YouTube.

The disputed domain name <alibabatravelegypt.com> (hereinafter “disputed domain name”) was registered on 20 November 2024. According to the Registrar, the Respondent is ‘Egypt Trips Guide’. The Respondent’s provided address as being in Hurghada, Egypt.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the UDRP have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the UDRP).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant’s factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

The WIPO Overview 3.0 in Paragraph 1.2.1 states: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case."

The WIPO Overview 3.0 in Paragraph 1.7 states: "[…] in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

The WIPO Overview 3.0 in Paragraph 1.8 states: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

In the present case, the Complainant has established that it owns numerous national (Egyptian), international and EUTM trademark registrations for the "ALIBABA" word (evidenced by the extract from the WIPO and EUIPO databases), registered for, among others, recreational services (class 41).

The disputed domain name <alibabatravelegypt.com> contains the Complainant's trademark "ALIBABA" in its entirety, with the mere addition of the general term "travel" and geographical term "Egypt". The addition of these terms cannot prevent the finding of confusing similarity.

The disputed domain name is considered to be confusingly similar to the relevant trademark.

The ".com" element of the disputed domain names does not affect the finding of confusing similarity.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfils this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the UDRP, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.0 in Paragraph 2.5.1 states: "Generally speaking, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner."

In the present case, the Complainant claims that the Respondent is not a licensee or authorized dealer of the Complainant, nor has it been authorized by the Complainant to use the Complainant's trademarks "ALIBABA" or any variation/misspelling/typosquatting of the trademark "ALIBABA" in the disputed domain name or in any other manner.

The Complainant is not in possession of, nor aware of the existence of, any evidence demonstrating that the Respondent might be commonly known by the disputed domain name or a name corresponding to the disputed domain name as an individual, business, or other organization.

According to the Complainant, the Respondent did not provide any evidence of its use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services before any notice of the dispute.

The Complainant suggests that the Respondent intended to trade upon the Complainant's world-renowned trademarks, by intentionally attempting to attract to its website users looking for the Complainant, its products and services, by misleading them as to the source or affiliation of its website, and to lure them into a deceptive website. Moreover, there is no disclaimer on the website corresponding to the disputed domain name as to the Respondent's lack of relationship with the Complainant.

The Complainant concludes that the Respondent has clearly used the disputed domain name in order to fraud Internet users visiting the corresponding website, by promoting sport activities, excursions, entertainment and cultural tours in Egypt using a mocked trademark "A ALIBABA". Such an alteration of the "ALIBABA" logo is, from the Complainant's view, clearly deceptive, as it tends to confuse users who may reasonably, but wrongly, believe that they are on a website that is approved, affiliated or authorized by the Complainant (evidenced by the screenshot of the website under the disputed domain name).

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and the Respondent and that the Respondent does not have authorization in the disputed domain name from the Complainant.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or legitimate interest in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent has registered and used the disputed domain name in bad faith.

The WIPO Overview 3.0 in Paragraph 3.1. states: "To facilitate assessment of whether this has occurred, and bearing in mind that the burden of proof rests with the complainant, UDRP paragraph 4(b) provides that any one of the following non-exclusive scenarios constitutes evidence of a respondent's bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location."

In the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>, the Panel stated that: "Here, the WHOIS information of record identifies Respondent as 'Chad Moston / Elite Media Group.' The Panel therefore finds under Policy ¶ 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c) (ii)."

In the WIPO Case No. D2020-2116, VFS Global Services Private Limited v. WhoisGuard, Inc., Quijano & Associates / Narendra Singhmanushi, the Panel stated: "The Panel also determines that the Respondent's use of the privacy protection service, WhoisGuard in the circumstances of the present case constitutes additional evidence of bad faith. Absent any explanation from the Respondent, the Panel cannot conceive of any plausible good faith use of the disputed Domain Name that could be made by the Respondent. The Respondent's conduct in registering the disputed Domain Name therefore constitutes opportunistic bad faith."

In the present case, the Complainant has established that it owns numerous national (Egyptian), international and EUTM trademark registrations for the "ALIBABA" word (proved by the extract from the WIPO and EUIPO databases), registered for, among others, recreational services (class 41). The Complainant also owns numerous combined (figurative) trademark registrations.

Above the Panel found that the disputed domain name is confusingly similar to the Complainant's trademarks and that the Respondent failed to prove its rights or legitimate interest in the disputed domain name. These findings may support the claim of the Respondent's bad faith.

The Panel made the following considerations regarding the assessment of the Respondent's registration and use of the disputed domain name in bad faith.

From the submitted information about the Complainant and its trademarks, it is obvious that the Complainant has a certain reputation worldwide, including Egypt. Therefore, the Respondent was possibly aware of the Complainant at the time of registering the disputed domain name in 2024.

The Complainant submitted WHOIS information from which it is clear that the Respondent's identity is hidden, and the Respondent is possibly not known under the disputed domain name.

Both previous arguments might indicate the Respondent's bad faith.

According to the Registrar, the Respondent is 'Egypt Trips Guide', seated in Hurghada, Egypt. From the furnished screenshot of the website under the disputed domain name, it is clear that the Respondent is using the website to promote the services of guided tours in Egypt. Such a use could be recognized as legitimate, and even no bad faith could be found in such use of the disputed domain name at first glance.

However, the logo used at the corresponding website could be found, based on a simple visual comparison, at least partially similar to the Complainant's figurative trademark. This Panel is of the view that such a use of the (modified) logo suggests the Respondent's knowledge of the Complainant and, at the same time, the intention to make a connection with the Complainant's trademark in the minds of Internet users (concerning an affiliation or authorization).

The Panel finds that by registering the confusingly similar disputed domain name and misusing the Complainant's figurative trademark at the corresponding website, the Respondent attempted to attract, for its possible commercial gain, Internet users to the website. In combination with the hidden identity and lack of Response, the Panel cannot conclude that the Respondent registered and used the disputed domain name in good faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **alibabatravelegypt.com**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2025-07-11

Publish the Decision