Decision for dispute CAC-UDRP-108835

Case number	**CAC-UDRP-108835**
Time of filing	**2026-07-20 12:06:23**
Domain names	**alibaba.ai, tmall.ai**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**Alibaba Innovation Private Limited**

Complainant representative

Organization	**Convey srl**

Respondents

Name	**Ahmed Amer**
Name	**Mykhailo Parfenov**

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of multiple registered trademarks worldwide, including the following registered trademarks for "ALIBABA" and "TMALL":

Mark	Registration number	Jurisdiction	Nice classes
ALIBABA	009887787	European Union	16, 35, 36, 39, 41, 42
ALIBABA	67863513	China	35
TMALL	010519395	European Union	9, 16, 35, 41

TMALL	82751311	China	36
ALIBABA	294742	Ukraine	9, 42
TMALL	326348	Ukraine	9, 16, 35, 38, 41, 42
ALIBABA	260114	Egypt	41
TMALL	270787	Egypt	38

Its trademarks are highly distinctive and well known around the world in the fields of e-commerce, retail, internet services and digital technology.

The Complainant also asserts an extensive portfolio of domain names consisting of the terms “ALIBABA” and “TMALL”, including the following domain names:

Domain name	Registration date
<alibaba.com>	April 15, 1999
<tmall.com>	October 17, 1997

It also operates official websites and social media accounts under those names.

FACTUAL BACKGROUND

The Complainant is an affiliated entity of Alibaba Group Holding Limited (“**Alibaba Group**”), a multinational technology and e-commerce group founded in Hangzhou, Zhejiang Province, China, in 1999.

Alibaba Group operates in more than 190 countries through online marketplaces and other digital services and is widely recognised as one of the world’s largest and most influential companies in the fields of retail, e-commerce, and digital technology. It operates on some of the world’s largest online marketplaces across all major segments, including <alibaba.com>, Taobao, and Tmall, serving hundreds of millions of users around the world.

Tmall, launched in 2008, is Alibaba Group’s flagship business-to-consumer online retail platform. It connects brands and retailers with consumers through a trusted digital marketplace. Together with Taobao, Tmall forms part of Alibaba Group’s core China commerce retail business and has achieved substantial recognition in the online retail sector.

The disputed domain name <alibaba.ai> was created at the registry on December 16, 2017, and its WHOIS record was updated on April 8, 2026, at 06:40:12 UTC. The disputed domain name <tmall.ai> was created at the registry on March 6, 2019, and its WHOIS record was updated on April 8, 2026, at 06:42:05 UTC.

PARTIES CONTENTIONS

The Complainant

The Complainant contends that each disputed domain name is identical or confusingly similar to its registered “ALIBABA” and “TMALL” trademarks. It contends that the “.ai” suffix is a standard technical requirement and, in any event, corresponds to the artificial intelligence field in which the Complainant operates.

It contends that neither Respondent has rights or legitimate interests; neither is licensed or authorised; neither is commonly known by the relevant name; and the only use made of the disputed domain names is to offer them for sale.

It contends that the disputed domain names were registered and are being used in bad faith, relying in particular on the fame of its marks; on the offers for sale at USD 33,333 and USD 3,333, being prices far in excess of out-of-pocket registration costs; and on the Respondents' failure to answer its cease-and-desist letters.

The Complainant also requests consolidation of the two registrants into a single proceeding under paragraphs 3(c) and 10(e) of the Rules, relying on the common Registrar, common hosting provider and IP address, the materially identical sale pages, the incorporation of marks of a single corporate family, and the apparently fictitious registrant addresses.

The First Respondent (Ahmed Amer Abdelmoneim)

The First Respondent filed his Response on August 11, 2026.

In essence, he denies that he registered or used the disputed domain name <alibaba.ai> in bad faith.

He asserts that he acquired the said disputed domain name through the Spaceship Marketplace on July 6, 2026 for USD 3,333, after the Complainant's cease-and-desist correspondence of June 15, 2026. He contends that the conduct of any previous registrant cannot be attributed to him.

He also denies any relationship or common control with the Second Respondent, relying on the Second Respondent's statement to the CAC that he (meaning the Second Respondent) does not own the disputed domain name <alibaba.ai>, and contends that technical similarities alone are insufficient to establish common control.

He claims a legitimate interest arising from his activities as a domain name investor and his asserted independent assessment of the branding, linguistic, and commercial value of the name "Ali Baba".

Although aware of the Alibaba Group when he acquired the domain name, he denies that his purpose was to target the Complainant or to sell the domain name to the Complainant or a competitor. He further contends that an offer for sale does not, without more, establish bad faith, and denies impersonating the Complainant or using the domain name for phishing, fraud or other deceptive activity.

The Second Respondent (Mykhailo Parfenov)

The Second Respondent filed no administratively compliant Response. His only communication is his email of July 22, 2026 at 21:23:50 responding to CAC's email on July 22, 2026, stating "Hello. I don't own the alibaba.ai domain. I can give away the tmall.ai domain immediately."

RIGHTS

The Complainant has shown rights in respect of its trademark registrations for the purposes of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("**WIPO Overview 3.0**"), section 1.2.1.

The test for determining confusing similarity is a relatively straightforward exercise. Essentially, the approach is to conduct a side-by-side comparison of the disputed domain name and the relevant trademark. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323; WIPO Overview 3.0, section 1.7.

A disputed domain name is identical to a complainant's registered trademark when it is a character-for-character match. It is confusingly similar when it varies the trademark by, for example, adding generic terms to the dominant part of the trademark.

It is also well established that a domain name which wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for UDRP purposes. See Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin, WIPO Case No. D2003-0888.

Disregarding the ".ai" suffix, the disputed domain name <alibaba.ai> is identical to the Complainant's "ALIBABA" trademark. Likewise, <tmall.ai> is identical to the Complainant's "TMALL" trademark. Each disputed domain name reproduces the relevant trademark in its entirety and without alteration.

The ".ai" suffix does not add any distinctiveness and is disregarded for the purpose of considering this element. WIPO Overview 3.0, section 1.11.1.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that each of the disputed domain names 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 Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The principles which guide the Panel's determination of this element are uncontroversial.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455; Document Technologies, Inc. v. International Electronic Communications Inc., WIPO Case No. D2000-0270; WIPO Overview 3.0, section 2.1.

Once such a prima facie case is made, the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name. The ultimate burden of proof remains with the complainant. If the respondent fails to answer the prima facie case, paragraph 4(a)(ii) of the Policy is satisfied.

Here, neither Respondent has been licensed or authorised by the Complainant to use its “ALIBABA” or “TMALL” trademarks. There is no evidence that either Respondent has been commonly known by the corresponding disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The only demonstrated use of each of the disputed domain names has been to offer them for sale on a landing page. The Panel considers, on the evidence, that such use does not amount to a bona fide offering of goods or services within paragraph 4(c)(i), or a legitimate non-commercial or fair use within paragraph 4(c)(iii), of the Policy.

Accordingly, the Panel finds that the Complainant has established a prima facie case that each Respondent lacks rights or legitimate interests in the respective disputed domain name.

The First Respondent has filed a Response. He asserts and relies on his activities as a domain name investor and the claimed independent cultural, linguistic and commercial significance of the name “Ali Baba”, which has an association in the Arab world through the well-known literary story of Ali Baba and the Forty Thieves.

The Panel accepts that aggregating and holding domain names consisting of dictionary words or common phrases for resale can be bona fide. See WIPO Overview 3.0, section 2.1.

The Panel, however, considers that the fact that a person invests in domain names does not, without more, establish a right or legitimate interest in a particular domain name.

Where a respondent relies on the dictionary or other independent meaning of a term, the domain name must be genuinely used, or demonstrably intended for use, in connection with that meaning and not to take advantage of a third party’s trademark. See WIPO Overview 3.0, section 2.10.1.

Here, there is no evidence that the First Respondent has used or made demonstrable preparations to use the disputed domain name <alibaba.ai> in connection with the story of Ali Baba or any other claimed cultural or linguistic meaning.

Its only demonstrated use has been to offer it for sale for USD 33,333. The disputed domain name reproduces the Complainant’s “ALIBABA” trademark exactly.

The First Respondent concedes that he was “aware of the Alibaba Group as a major international company” when he acquired the disputed domain name. Further, the “.ai” suffix is commonly understood as referring to artificial intelligence, a field in which the Complainant operates.

These circumstances cause the Panel to approach the First Respondent’s explanation with some scepticism. That scepticism is warranted because the disputed domain name is identical to the Complainant’s highly distinctive and well-known trademark.

In these circumstances, the Panel considers the First Respondent’s reliance on the “independent cultural, linguistic and commercial significance” of “Ali Baba” in the Arab region does not rebut the Complainant’s prima facie case.

The Second Respondent has not filed an administratively compliant Response.

His email of July 22, 2026, states that he “can give away the <tmall.ai> domain immediately”. The Panel considers that this statement is inconsistent with the existence of any right or legitimate interest in that disputed domain name.

“TMALL” is a coined term with no dictionary meaning. There is no evidence adduced that the Second Respondent is commonly known by it or has used, or prepared to use, the disputed domain name <tmall.ai> for any bona fide offering of goods or services or any legitimate non-commercial purpose.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that each Respondent has no rights or legitimate interests in the respective disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

BAD FAITH

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances, if found to be present, as evidence of registration and use of a domain name in bad faith.

Paragraph 4(b)(i) provides that there is evidence of registration and use in bad faith where circumstances indicate that the respondent registered or **acquired** the domain name primarily for the purpose of selling, renting or otherwise transferring it to the complainant or to a competitor of the complainant for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name. (**emphasis added**)

The evidence shows that the Complainant’s “ALIBABA” and “TMALL” trademarks are well known and have acquired an international reputation. It also shows that the Complainant has a strong online presence through its official websites and numerous domain names incorporating those trademarks. The Complainant also operates in the field of artificial intelligence.

The dates on which the disputed domain names were created at the registry do not necessarily identify the dates on which the present Respondents acquired them. Where a domain name is transferred to a new registrant, the date on which the current registrant acquired the domain name is the relevant date for assessing registration in bad faith. See WIPO Overview 3.0, section 3.9.

The Panel will therefore consider separately the evidence concerning the acquisition of each disputed domain name by the respective Respondent.

Case against the Second Respondent

The Panel will first deal with the disputed domain name <tmall.ai>.

The disputed domain name <tmall.ai> was created at the registry on March 6, 2019 and its WHOIS record was updated on April 8, 2026.

The evidence does not establish whether the Second Respondent was the original registrant or acquired the disputed domain name at a later date.

On either basis, his registration or acquisition could not have occurred before March 6, 2019, by which time the Complainant's "TMALL" trademark had been registered and used for many years.

The Second Respondent has not provided any evidence concerning when or why he acquired the disputed domain name.

The Second Respondent has used the disputed domain name for a single demonstrated purpose, namely to offer it for sale to the public for USD 3,333. There is no evidence that the asking price reflected the Second Respondent's documented out-of-pocket costs directly related to the disputed domain name. He also appears to have ignored the Complainant's cease-and-desist letter.

No administratively compliant Response has been filed. However, in his email of July 22, 2026, to the CAC, he states that he "can give away" the disputed domain name. By this statement, he appears to be offering to surrender the disputed domain name. The Panel could have dealt with this by way of an order by consent. See WIPO Overview 3.0, section 4.10. However, because the scope of that communication is ambiguous, the Panel will decide the matter on the merits.

The record shows that the Second Respondent indicated his willingness to "give away" the disputed domain name but did not explain why he selected it or otherwise answer the Complaint.

The strong inference is that there is no plausible explanation for the Second Respondent's registration and use of the disputed domain name other than that he acquired it for sale because of its association with the Complainant and its "TMALL" trademark.

Given the evidence adduced by the Complainant and the Second Respondent's failure to file an administratively compliant Response, the Panel finds that the disputed domain name <tmall.ai> was registered and is being used in bad faith.

Case against the First Respondent

The First Respondent says that he acquired the disputed domain name <alibaba.ai> through the Spaceship Marketplace on July 6, 2026 for USD 3,333.

Where a domain name is transferred to a new registrant, the date on which the current registrant acquired it is the relevant date for assessing registration in bad faith. See WIPO Overview 3.0, section 3.9. The Panel will therefore assess the First Respondent's conduct by reference to his asserted acquisition on July 6, 2026.

For the purpose of assessing the First Respondent's case at its highest, the Panel accepts that the Complainant's cease-and-desist letter of June 15, 2026, predates his asserted acquisition. The Panel does not attribute that correspondence, or the conduct of any previous registrant, to him. Nor is it necessary to attribute to him any conduct concerning the disputed domain name <tmall.ai> given the statement made by the Second Respondent.

The Panel will determine the First Respondent's position by reference to his own knowledge, purpose, and conduct.

The First Respondent acknowledges that he was aware of the Alibaba Group when he acquired the disputed domain name. By that time, the Complainant's "ALIBABA" trademark had acquired a substantial international reputation. The disputed domain name reproduces that trademark exactly, coupled with the ".ai" suffix, which is readily understood as referring to artificial intelligence, a field in which the Complainant operates.

The First Respondent relies on the cultural and linguistic significance of the name "Ali Baba" and says that he regarded the disputed domain name as "a short, memorable and commercially valuable brandable domain name".

The Panel accepts that "Ali Baba" has an independent cultural and linguistic meaning. That fact, however, does not explain why the First Respondent selected the precise form of the disputed domain name <alibaba.ai>, which reproduces the Complainant's well-known trademark without alteration, while knowing of the Complainant and its activities.

The circumstances following the acquisition are also relevant. The evidence shows that within a short period after paying USD 3,333 for the disputed domain name, the First Respondent offered it for sale for USD 33,333. The asking price was ten times the amount he says he paid.

There is no evidence that he used, or made preparations to use, the disputed domain name in connection with the story of Ali Baba, any cultural project, or any other activity related to the meaning upon which he relies. Its only demonstrated use was to offer it for sale. This is so notwithstanding the First Respondent's statement: "I did not acquire the domain with the primary intention of targeting the Complainant or selling the domain specifically to the Complainant or to one of its competitors."

The First Respondent contends that a public offer for sale does not, by itself, prove that a domain name was acquired primarily for sale to the Complainant or one of its competitors. As a general proposition, that may be accepted.

The offer for sale must, however, be considered with the other circumstances. These include the reputation of the Complainant's "ALIBABA" trademark; the identity between the trademark and the disputed domain name; the First Respondent's admitted knowledge of the Alibaba Group; the significance of the ".ai" suffix to the Complainant's activities; the absence of any use connected with the claimed cultural meaning; and the offer for sale at ten times the acquisition price.

Considered together, these circumstances support the inference that the First Respondent acquired the disputed domain name because of its association with the Complainant and the commercial value derived from that association. The First Respondent's assertion that he did not intend to sell it specifically to the Complainant or a competitor does not displace that inference. The public sale listing does not obscure the source of the domain name's value or the purpose for which it was acquired.

Having considered the evidence adduced and the parties' respective contentions, the Panel is satisfied and finds that the First Respondent acquired the disputed domain name <alibaba.ai> primarily for the purpose of selling or otherwise transferring it for valuable consideration in excess of the amount he says he paid.

In any event, the circumstances establish that the First Respondent's acquisition and use of the disputed domain name were opportunistic and in bad faith.

Given the Panel's views expressed above, the Panel therefore finds that each disputed domain name was registered or acquired, and has been used, in bad faith by the respective Respondent.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that each of the disputed domain names has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Consolidation of the disputed domain names in a single proceeding

The Complainant requests consolidation of the disputed domain names into a single proceeding.

Rule 10(e) empowers the Panel to decide such a request in accordance with the Policy and the Rules.

Consolidation of multiple domain names into a single proceeding may be appropriate where:

1. the disputed domain names or corresponding websites are subject to common control; and
2. consolidation would be procedurally efficient, fair and equitable to all parties.

The burden rests on the party seeking consolidation. Previous UDRP panels have found that consolidation may be appropriate where there are sufficient indicia of common control, even if no single factor proves common ownership or control. See WIPO Overview 3.0, section 4.11.2; Under Armour, Inc. v. Fei Niu, CAC Case No. 101969; Seiko Holdings Kabushiki Kaisha v. L. Collins Travis et al., WIPO Case No. D2013-0994; Pandora A/S v. Larry Sack et al., CAC Case No. 103259.

The Complainant relies on the following matters:

1. both disputed domain names were registered through the same Registrar, Spaceship, Inc.;
2. both used the same privacy service, Withheld for Privacy ehf, with the same address and telephone number in Reykjavik;
3. both were delegated to the same name servers, namely launch1.spaceship.net and launch2.spaceship.net;
4. the WHOIS records for both disputed domain names were updated on April 8, 2026, within one minute and 53 seconds of each other;
5. both disputed domain names resolved to substantially similar pages offering the domain names for sale through the same platform;
6. each disputed domain name consists of a trademark associated with the Alibaba Group, together with the ".ai" suffix; and
7. the contact information given for the respective registrants appears to be inaccurate or incomplete.

The WHOIS records show different creation dates and different registry identifiers, registrant identifiers and privacy email addresses. The creation date for <alibaba.ai> is December 16, 2017, while the creation date for <tmall.ai> is March 6, 2019.

The Panel accepts that some of the common features may be explained by the use of the same Registrar and marketplace. In particular, the privacy service, name servers and appearance of the sale pages may be standard features of the Spaceship platform.

Those matters, viewed separately, would not establish common control.

The WHOIS records for the two disputed domain names were updated on the same day, within less than two minutes of each other. That circumstance suggests that the disputed domain names underwent the same administrative or technical process. Its weight is reduced, however, by the First Respondent's assertion that he acquired <alibaba.ai> on July 6, 2026, after those updates occurred.

The First Respondent denies any relationship, agreement or common control with the Second Respondent. The Second Respondent has also stated that he does not own <alibaba.ai>. Those statements weigh against consolidation. The First Respondent has not, however, produced the receipt or other documentary evidence which he says confirms the date and circumstances of his acquisition.

For the purpose of assessing bad faith, the Panel has considered the First Respondent's case at its highest and assessed his conduct by reference to the acquisition date he asserts. That approach does not require the Panel to accept his unsupported assertion as an established fact for every procedural purpose.

The question of common control is not confined to whether the Respondents are the same person or whether the Second Respondent owns <alibaba.ai>. It extends to whether the disputed domain names or corresponding websites have been administered in a coordinated manner. The closely timed WHOIS updates, considered with the common Registrar, privacy service, name servers and sale platform, the similar manner in which the disputed domain names were offered for sale, and the selection of two trademarks belonging to the same corporate group, provide sufficient indicia of common control for this procedural determination.

The Panel also considers that consolidation would be procedurally efficient, fair and equitable. Each Respondent received notice of the proceeding and had an opportunity to respond. The First Respondent filed a Response. Although the Second Respondent did not file an administratively compliant Response, he communicated his position to the CAC by email.

The Panel has considered the circumstances of each disputed domain name and the conduct of each Respondent separately. There is no evidence that either Respondent would suffer material prejudice from consolidation.

Accordingly, the Panel finds, on the balance of the evidence adduced in support of consolidation, that the disputed domain names or their corresponding websites are subject to common control.

The Panel determines that consolidation of the disputes concerning <alibaba.ai> and <tmall.ai> into a single proceeding is procedurally efficient, fair and equitable, and is therefore appropriate.

Delay in filing the Complaint

The Panel notes that the disputed domain name <alibaba.ai> was created at the registry in December 2017 and the disputed domain name <tmall.ai> in March 2019.

Neither Respondent has raised delay or laches. In any event, the mere passage of time between the creation or registration of a domain name and the filing of a complaint does not prevent a complainant from filing or succeeding under the Policy.

Panels have generally declined to apply the doctrine of laches under the UDRP. See WIPO Overview 3.0, section 4.17.

There is no evidence that either Respondent altered his position in reliance on any delay by the Complainant.

The First Respondent's own case is that he acquired the disputed domain name <alibaba.ai> on July 6, 2026, shortly before the filing of the Complaint. The Second Respondent has not identified when he acquired the disputed domain name <tmall.ai> or suggested that he relied to his detriment on any inaction by the Complainant. On the contrary, he indicated that he could "give away" the disputed domain name immediately.

Accordingly, the registry creation dates and the passage of time do not affect the Panel's determination of the Complaint.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

The First Respondent filed an administratively compliant Response on August 11, 2026. No annexes were filed.

The Second Respondent responded by email dated July 22, 2026 at 21:23:50 to CAC's email dated July 22, 2026, stating "Hello. I don't own the alibaba.ai domain. I can give away the tmall.ai domain immediately." No administratively compliant Response was received.

Given the reasonable measures employed by the CAC, the Panel is satisfied that the procedural requirements of the Policy and the Rules have been met. Both Respondents received actual notice of the proceeding and communicated with the CAC.

There is no procedural reason why the Panel should not proceed to determine the Complaint in respect of both disputed domain names.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns registered trademarks for “ALIBABA” and “TMALL”, as well as domain names incorporating those trademarks, including <alibaba.com> and <tmall.com>, which are used in connection with its goods and services.

The disputed domain names <alibaba.ai> and <tmall.ai> were created at the registry on December 16, 2017, and March 6, 2019, respectively, well after the Complainant had established its trademark rights.

The First Respondent says that he acquired <alibaba.ai> on July 6, 2026. The Second Respondent has not identified when he acquired <tmall.ai>.

The Complainant challenges the registration and use of the disputed domain names under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy and seeks their transfer.

The First Respondent filed an administratively compliant Response. The Second Respondent did not file an administratively compliant Response but communicated by email that he could “give away the tmall.ai domain immediately".

For the reasons articulated in the Panel’s findings above, the Panel is satisfied that:

- the disputed domain names are identical to the Complainant’s respective “ALIBABA” and “TMALL” trademarks;
- the Respondents have no rights or legitimate interests in respect of their respective disputed domain names; and
- each disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **alibaba.ai**: Transferred
2. **tmall.ai**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2026-08-24

Publish the Decision