



ARAB CENTER FOR DISPUTE RESOLUTION

ADMINISTRATIVE PANEL DECISION

Rotana.video

Case No. **A2019-0017**

1. The Parties

The Complainant is Rotana Audio visuals part of Rotana group of companies, represented by Al Tamimi & Co.

The Respondent is Lookserv – Hesham Ahmad.

2. The Domain Name and Registrar

The disputed domain name is www.rotana.video registered with Name.com (the “Registrar”).

3. Procedural History

The Complaint was filed at the Arab Center for Dispute Resolution (the “Center”) on April 30, 2019. In accordance with paragraphs 4(c) and 5 (II) of the Supplemental Rules. The Center has verified that the Complaint satisfies the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the Arab Center for Dispute Resolution Supplementary Rules (the “Supplemental Rules”).

In accordance with paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint and the proceedings commenced on May 21, 2019. In accordance with paragraph 5 of the Rules, the due date for Response was June 10, 2019. . No formal response was filed with the Center.

The Center appointed Mr. Charles Shaban as the sole panelist in this matter on June 6, 2019. 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 paragraph 7 of the Rules.

4. Factual Background

The Complainant is a company in the UAE and known in the region as a pioneering entertainment company. They hold the trademark registration “Rotana” since 2004 in the UAE. Besides their trademark they have the domain name rotana.net since 1998.

The disputed domain name was registered on Nov 11, 2017 by the respondent with the registrar.

5. Parties' Contentions

A. Complainant

The Complainant is a pioneer media firm in the region with many audio visual stations. Their trademark "Rotana" is considered a well-known in the region and beyond.

The Complainant is the holder of the domain name Rotana.net since 1998 that receives millions of hits and visitors.

The disputed domain name is identical to the Complainant's trademark, and using it in the new gTLD .video (which is very much related to the line of business of the complainant) and will confuse visitors for sure.

B. Respondent

The Respondent did not reply to the Complainant's arguments nor sent any kind of reply to the ACDR.

6. Discussion and Findings

As per UDRP policy used in this dispute, and mainly Paragraph 4(a) of the Policy requires the Complainant to prove all three of the following elements to be entitled to the relief sought: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant is the holder of trademark registration "Rotana". The disputed domain name is identical to the Complainant's trademark.

In accordance with the findings above, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark within the meaning of Policy paragraph 4(a) (i), and the first element of the Policy is thus fulfilled.

B. Rights or Legitimate Interests

The Complainant has asserted that no permission to register the disputed domain names has been granted to the Respondent. Moreover, the Complainant has stated that the Respondent has no rights of its own or legitimate interests in the disputed domain names, which incorporates the Complainant's trademark.

Having considered the submissions of the Complainant, and in the absence of any response from the Respondent, the Panel infers that the Respondent is not connected with the Complainant or authorized to use the Complainant's trademark in the disputed domain name. Neither does the Panel find any other indications that the

Respondent is making a legitimate noncommercial or fair use of the disputed domain name, or that the Respondent is using the disputed domain name for a *bona fide* offering of goods or services. Rather, the Complainant has submitted evidence that the Respondent has been using the disputed domain names for similar activities.

In the light of what is stated above, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted this case with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. Therefore, the Panel finds that the second element of the Policy is fulfilled.

C. Registered and Used in Bad Faith

The disputed domain name was registered in November 2017, which is many years after the Complainant's first trademark registration in 2004. The fact that the Respondent has deliberately chosen domain name identical to the Complainant's trademark which is well-known in the region, and the respondent using this domain name for similar activities of the complainant, shows that the respondent have good knowledge of the Complainant's prior rights.

According to the Complainant's information, the disputed domain name as stated before shows the evidence provided by the Complainant that the Respondent has been using website associated with the disputed domain name, creating the impression of being affiliated with the Complainant. These circumstances strongly suggests that the disputed domain name was registered and is being used with the intention of attracting customers for commercial gain by creating a likelihood of confusion with the Complainant's trademark which is identical to the Respondent's website and services.

The Panel finds that the disputed domain name was registered and is being used in bad faith. The third element of the Policy is thus fulfilled.

7. Decision

For the foregoing reasons, and in accordance with paragraph 4(i) of the UDRP Policy, the Panel orders that the disputed domain name "Rotana.video" to be transferred to the Complainant.

Charles Shaban
Sole Panelist
Date: June 15, 2019