



Arab Center for Dispute Resolution

ADMINISTRATIVE PANEL DECISION

Ragheb Sobhi Alama v. Charles Princeton and Net Solutions
Case No. **A2017-0005**

1. THE PARTIES

The Complainant is Ragheb Sibhi Alama, Beirut- Minaret Al Hosn, Lebanon, represented by Mr. Walid Abou Farhat.

The Respondent is Charles Princeton and Net Solutions, 94125-0669 California, United States of America, not represented.

2. The Domain Name and Registrar

The disputed domain name is <raghebalama.com> registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

Will be filled by the ACDR

On January 15, 2019, the Panel submitted a Panel order requesting further documentation from the Complainant, namely the Whois information of the Disputed Domain Name, a screenshot of the webpage www.raghebalama.com, and a copy of the communication between Complainant and Respondent.

On January 20, 2019, the Center transmitted the Panel with the requested Whois information and screenshot and specified that the Complainant stated that communication between Complainant and Respondent occurred over the phone.



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4. Factual Background

The Complainant is an individual, Mr. Ragheb Alama, whom presents himself as a “well reputed and internationally known artist”.

The Complainant is the owner of a Lebanese stylized trademark “RAGHEB ALAMA” No. 10725, registered on January 26, 2012 and covering goods and services in classes 9, 16, 25 and 35.

The Respondent registered the Disputed Domain Name on September 11, 2018.

None of the above information is contested by the Respondent.

5. Parties' Contentions

The Complainant argues that the Disputed Domain Name is “indeed” identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant also indicates that the Disputed Domain Name corresponds to his personal name – keeping in mind that he is an “international celebrity and UN good will ambassador” and that he did not authorize the Respondent to use his name.

The Complainant also contends that the Respondent has no right nor legitimate interest in the Disputed Domain Name, considering that the latter has never used nor shown interest in the use of the Disputed Domain Name. Moreover, the Complainant claims that the Respondent tried to extort funds from the Complainant.

The Complainant deems that it is “obvious” that the Respondent acted in bad faith to disrupt the Complainant’s business and attract Internet users to his website.

The Respondent has not filed a Response to the Complaint and is therefore in default.

6. Discussion and Findings

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.



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A. Identical or Confusingly Similar

The Complainant has shown valid trademark rights for the sign “RAGHEB ALAMA”, in a stylized version, registered on January 26, 2012 in relation with goods and services in classes 9, 16, 25 and 35.

The Complainant only states that “yes indeed” the Domain Name is identical or confusingly similar to the above trademark.

Despite the lack of argumentation of the Complainant, the Panel notes that the Disputed Domain Name is virtually identical to the Complainant’s trademark. Although the Complainant’s trademark features a geometric element above the name “RAGHEB ALAMA”, such name remains fully identifiable in the trademark.

Besides, it is constant that the gTLD in the domain name, such as the <.com> here, constitutes a standard registration requirement that is not to be taken into consideration when comparing a complainant’s trademark and a disputed domain name (See for instance the WIPO case Sanofi-Aventis v. US Online Pharmacies, WIPO Case No. D2006-0582).

Consequently, the Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant’s trademark in accordance with the meaning of Paragraph(4)(i) of the Policy. The first element of the Policy is hence fulfilled.

B. Rights or Legitimate Interests

The Complainant has indicated that there is no affiliation between the Respondent and him. Indeed, he did not authorize the Respondent to use its trademark and personal name nor to register the Disputed Domain Name.

Furthermore, the Respondent is not commonly known under the name Ragheb Alama as the Whois information indicates that his name is Charles Princeton from San Francisco, United States of America.

Furthermore, the Complainant has provided a screenshot of the website associated to the Disputed Domain Name. The screenshot does not bear a date, which makes it theoretically not reliable. However, the Panel notes that the redirection of the Domain Name is the same than on the screenshot, namely a GoDaddy parking page featuring sponsored links in relation with the Complainant.



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Such use does not characterize a *bona fide* offering of goods and services in relation with the Disputed Domain Name (See for instance WIPO Case No. D2017-0302, *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*).

Therefore, it is the Panel's view that the Complainant has shown a *prima face* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Hence, the burden of proof shifts from the Complainant to the Respondent, who has not answered the complaint. In this respect, it should be noted that the "*lack of any response is another element against Respondent's legitimate use or interest in the dispute domain name*" (See e.g. *Loro Piana S.p.A. v. Robert Remy*, CAC Case No. 101595).

The Complainant has shown to the satisfaction of the Panel that the Respondent has no rights or legitimate interests in the Disputed Domain Name within the meaning of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name is virtually identical to the Complainant's trademark and identical to the Complainant's first name and family name.

The Complainant has provided a letter from the United Nations thanking him for his efforts to protect the environment and preserving human dignity.

The Panel considers that the Complainant, who claims to be a celebrity, could have provided more proofs of his renown and of the renown of his trademark, which matches his name.

Nevertheless, considering that the Respondent has not tried to rebut the Complainant's allegations, the Panel agrees that the Respondent had the name and trademark of the Complainant's in mind when registering the Disputed Domain Name.

Regarding use of the Disputed Domain Name in bad faith, the Complainant states that Respondent tried to extort funds from Complainant. Nonetheless, there is no written proof of the same, since Complainant specified that such behavior occurred over the phone.

However, the Respondent has not denied any of the Complainant's contentions, which he would have logically done if he deemed that the registration and use of the Disputed Domain Name were justified.



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Furthermore, the Disputed Domain Name resolves to a parking page featuring sponsored links, which, in the Panel's views, does not amount to use of the disputed domain name in good faith.

The Complainant has shown to the satisfaction of the Panel that the Respondent registered and used the Disputed Domain Name in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

6. Decision

For the foregoing reasons, and in view of the above arguments, the Panel orders that the Disputed Domain Name <raghebalama.com> should be transferred to Complainant.

Panelists:

Nathalie Dryfus

Date: January 29, 2019