

SINGAPORE DOMAIN NAME DISPUTE RESOLUTION SERVICE

**Administrative Panel Decision
Case No. SDRP-2008/0002(F)
McDonald's Corporation v "This Domain For Sale"**

1. The Parties:

1.1 The Complainant is McDonald's Corporation, a company duly organized under the laws of the State of Delaware, U.S.A., whose principal place of business is at One McDonald's Plaza, Oak Brook, Illinois 60523, United States of America.

1.2 The Respondent is "This Domain For Sale" of Singapore 824175 with further contact details at the following:-

1.2.1 c/o "buyname@msn.com" Zheng
"buyname@msn.com"
Singapore 824175

1.2.2 c/o zzx / Zheng Zhongxing, Punggol Field
Singapore 824175

1.2.3 c/o Silver Media, 5 Jalan Kemaman
#16-03, Singapore 329325

1.2.4 c/o Zan Hui
175D Punggol Field #08-531
Singapore 824175

1.2.5 c/o Zheng Zhongxing
DongShengJiekun XiaoQu 7-605
Fuzhou, Fujian, China 350007

2. The Domain Name and Registrar:

2.1 The Domain Name in issue is "mcdonalds.sg".

2.2 The Registrar of the Domain Name is Web Commerce Communications (Singapore) Pte Ltd of 67 Tanjong Pagar Road, Singapore 088488, an accredited Registrar authorized by Singapore Network Information Centre (SGNIC) Pte Ltd ("SGNIC") of 8 Temasek Boulevard, #14-00 Suntec Tower Three, Singapore 038988.

3. **Procedural History and Observations:**

3.1 The Complainant submitted their complaint dated 14 July 2008 through their solicitors, Mirza M. Namazie of Mallal & Namazie, 50 Robinson Road #12-00 VTB Building, Singapore 068882, pursuant to the Singapore Domain Name Dispute Resolution Policy ("the Policy"), the Rules of the Singapore Domain Name Dispute Resolution Policy ("the Rules") and the Supplementary Rules of the Singapore Domain Name Dispute Resolution Policy ("the Supplemental Rules").

4. **Receipt of the Complaint:**

4.1 The Secretariat for the Singapore Domain Name Dispute Resolution Service ("the Provider") received from the Complainant:-

4.1.1 the hard copy of the Complaint and prescribed fees on 14 July 2008.

4.1.2 the soft copy of the Complaint on 15 July 2008.

5. **Notification of the Complaint:**

5.1 On 18 July 2008 the Provider sent by fax a copy of the Complaint and the Complaint Notification Instructions to the Respondent at the following addresses:-

5.1.1 c/o "buynam@msn.com" Zheng, Singapore 824175.

The transaction report was endorsed "No such address".

5.1.2 c/o zzx / Zheng Zhongxing, Punggol Field

Singapore 824175

The transaction report was endorsed "No such address".

5.1.3 c/o Silver Media, 5 Jalan Kemaman #16-03, Singapore 329325

Receipt was acknowledged on the same day.

5.1.4 c/o Zan Hui

175D Punggol Field #08-531, Singapore 824175

Receipt was acknowledged by the addressee on the same day.

5.2 Due to difficulties in transmission, a copy of the Complaint was sent in 3 tranches to:

c/o Zheng Zhongxing

DongShengJiekun XiaoQu 7-605

Fuzhou, Fujian, China 350007

on 18 and 19 July 2008.

On 18 July a hard copy was also sent by courier service to Zheng Zhongxing and was received on 21 July 2008.

5.3 *Compliance*

5.3.1 Under Paragraph 4(a) of the Rules, the Provider is obliged to forward the Complaint to the Respondent within 3 working days of its receipt. As the soft copy of the Complaint was received by the Provider on 15 July 2008 the timeline was duly complied with.

5.3.2 Taking into account that the Respondent's addresses were not complete or genuine, the Provider has employed reasonably available means to achieve actual notice of the Complaint to the Respondent. On 18 July 2008 the Provider completed its responsibilities under Paragraph 2(a) of the Rules. As provided under Paragraph 4(c) of the Rules, the date of 18 July 2008 is the commencement date of this administrative proceeding in relation to the dispute on the Domain Name ("Commencement Date").

6. **Response:**

The Respondent has failed to-date to file any response to the Complaint, which under Paragraph 5(a) of the Rules, the Respondent was required to do within 15 working days after the Commencement Date.

7. **Panel:**

7.1. By way of a letter dated 12 August 2008 sent to the Complainant and the Respondent (collectively "the Parties") the Provider notified the Parties of the appointment of Mrs Murgiana Haq as the sole panellist on the Administrative Panel ("the Panel") to decide the dispute between the Parties over the Domain Name, after the said Mrs Murgiana Haq has signed the Statement of Acceptance and Declaration of Impartiality and Independence.

7.2. The Panel received a hard copy of the Complaint from the Provider on 12 August 2008.

8. **Factual Background:**

8.1. The Complainant states in the Complaint that:

8.1.1. The Complainant is the owner of the registration rights and goodwill in the marks "McDonald's", "Ronald McDonald", "McDonaldLand" and "McDonald's and corporate logo" as well as numerous other marks

incorporating the word "McDonald's" ("the McDonald's marks) for a wide range of goods and services in Singapore and worldwide, including but not limited to, "prepared food such as hamburgers, cheeseburgers, fish burgers and french fries and restaurant services". The McDonald's marks are registered throughout the world and in Singapore. To support their registration status, the Complainant furnished copies of their trade mark registration certificates in Singapore in **Annex 1**. The Complainant started use of their McDonald's marks in Singapore in 1979.

8.1.2 Net sales by the Complainant and their affiliated companies and franchisees worldwide including Singapore are as follows:-

Year	Worldwide (US\$'000)	Singapore (S\$'000)
2000	29,714,000	263,021
2001	29,590,000	259,364
2002	30,022,000	244,645
2003	33,129,000	238,269
2004	37,052,000	246,653
2005	38,913,000	254,111
2006	41,380,000	279,194
2007	46,943,000	310,220

8.1.3 Advertising and promotional expense worldwide and in Singapore are as follows:-

Year	Worldwide (US\$'000)	Singapore (S\$'000)
2000	595,300	13,102
2001	521,500	12,899
2002	532,300	10,602
2003	596,700	13,646
2004	610,200	11,713
2005	611,200	12,850
2006	669,800	12,406
2007	718,300	12,909

As a result of significant sales and advertisements by the Complainant and its affiliated companies worldwide, the McDonald's marks are well-recognized global brands.

8.1.4 The Complainant is also the registrant and owner of the domain name "mcdonalds.com" since 12 July 1994. This domain name is also registered in many other countries worldwide. In Singapore, its subsidiary, McDonald's Restaurant Pte Ltd ("McDonald's Singapore) registered the domain name "mcdonalds.com.sg" with the Complainant's consent.

9. **Facts leading to the Complaint:**

9.1 Sometime in March 2005 the Complaint became aware that a company Vcone Pte Ltd ("Vcone") had registered the Domain Name on 3 January 2005. However the Domain Name did not resolve to any particular website. As the Domain Name was not in use, the Complainant felt that it might not be able to prove bad faith by Vcone in registering the Domain Name.

A copy of the WHOIS search report obtained on 23 March 2005 was attached as **Annex 3.**

9.2. On 3 April 2008 McDonald's Singapore learnt that the Domain Name was in use and found that the Domain Name resolved to a website www.mcdonalds.sg. Copies of the screen shots of the home page of the website which also show that various webpages are also linked to third parties' websites were attached as **Annex 4.**

10. **Complainant's Contentions:**

10.1 The Complainant contends that the Domain Name "mcdonalds.sg" is identical or confusingly similar to the McDonald's marks belonging to the Complainant and also its name which is also very well-known globally.

10.1.1 The second level domain name "mcdonalds" as used in the Domain Name is identical or confusingly similar to the word mark "McDonald's" which the Complainant has registered as trade marks in Singapore in Classes 14, 16, 25, 28, 29, 30, 31, 32, 36 and 42 as well as the other McDonald's marks.

10.1.2. By reason of their trade mark registrations and their extensive goodwill and reputation worldwide and in Singapore, the McDonald's marks are very well-known. A domain name "mcdonalds" would result in the belief that it is owned or affiliated with the Complainant.

- 10.1.3 The Domain Name "mcdonalds.sg" bears a close resemblance to McDonald's official website "mcdonalds.com.sg" registered by McDonald's Singapore. Users of the Respondent's website "mcdonalds.sg" are likely to assume that it is connected to "mcdonalds.com.sg". McDonald's Singapore gets an average of 5 million hits per month indicating that it is a well used website.
- 10.2 The Respondent has no rights or legitimate interests in respect of the Domain Name as the Respondent:-
- (a) has not been authorized or licensed by the Complainant to use the Complainant's name or marks in any way.
 - (b) the Respondent as an individual or business has never been known by the Domain Name.
 - (c) the Respondent had actual or constructive knowledge that the name and marks belong to the Complainant, given the Complainant's fame and goodwill at the time the Respondent registered the Domain Name.
 - (d) Given the prior registered rights and common law rights to the name and marks of the Complainant, the Respondent can have no trade mark rights or common law rights over the Domain Name.
 - (e) the Respondent is not making a legitimate non-commercial use or fair use of the Domain Name. It is evident that the Respondent is making use of the website for commercial gain.
- 10.3. The Domain Name has been registered and/or is being used by the Respondent in bad faith for the following reasons:-
- (a) the Registrant for the Domain Name is listed as "This domain for sale" and the registered mailing address provided is "buyname@msn.com". The use of these phrases clearly conveys to the public at large that the Domain Name is for sale.
 - (b) the Domain Name, being identical or confusingly similar with the well-known name and marks of the Complainant is itself evidence of bad faith.
 - (c) in breach of paragraph 9.1. of SGNIC's Registration Policies, Procedures and Guidelines (RPPG) as the Respondent has warranted that the Domain Name –
"(a) does not infringe any registered trade marks nor will it give rise to an action in passing off ..."

(b) is not identical or confusingly similar with either a registered trade mark, company or business name in Singapore."

- (d) by concealing Respondent's true identity and omission to provide accurate contact details in his Domain Name registration.
- (e) by carefully crafted features in Respondent's website to create a false connection or association with the Complainant.

10.4 The Respondent must have registered the Domain Name in order to prevent the Complainant from reflecting its name in a corresponding domain name, possibly with the intention of selling the Domain Name for valuable consideration. The use of "this domain for sale" and "buyname" are evidence of the Respondent's intention to sell for profit, as otherwise there would be little economic purpose in using these phrases. This is evidence of opportunistic bad faith.

10.5 The Complainant contends that Respondent's use of the website indicates an intentional attempt to attract businesses to advertise on his website for commercial gain, by creating a connection with the Complainant's name and marks thereby resulting in a likelihood of confusion as to the source, sponsorship, affiliates or endorsement of the website.

10.6 The Complainant requests for transfer of the domain "mcdonalds.sg" to them.

11. **The Respondent:**

The Respondent did not file or submit any response within the period established by the Rules. On the contrary he indicated by email on 21 July 2008 to the Provider that he did not want to respond to the Complaint.

12. **Discussion and Findings:**

12.1 It is noted that the Respondent has failed to file a Response to the Complaint. Pursuant to paragraph 5(f) of the Rules and in the absence of exceptional circumstances the Panel is entitled to decide on the dispute based on the Complaint and so proceeds accordingly.

12.2 In relying on the Complaint the Panel applies the following principle enunciated in *Samsung Electronics Co. Ltd v Funexpress.com.sg Pte Ltd [SDRP No. 2002-0004F]*, which had relied on several WIPO cases –

- (i) *“as the Respondent has not submitted a Response and there having been no exceptional circumstances This Panel is entitled to ... accept as true the factual averments of the Complaint for purposes of these proceedings”.*
- (ii) *“the Respondent’s default, however, does not lead to an automatic ruling in favour of the Complainant. The burden remains on the Complainant to establish, on a balance of probabilities, that it is entitled to a transfer of the domain name”.*

12.3 In cases where the Respondent (registrant) did not file a Response the lack of Response does not by itself call for greater scrutiny of the evidence or increases the level of proof to be required from the Complainant. A Respondent (registrant) should not be rewarded for its failure to submit to proceedings. Likewise a Complainant should not be disadvantaged where the Respondent (registrant) fails: observation made by the Panel in *Mars, Incorporated v Vanilla Ltd [WIPO Case D2000-0586]*. This Panel agrees with this observation and proceeds on that premise.

13. **The Requirements:**

13.1 The Complaint is based on Paragraphs 4a (i), (ii), (iii) and 4b (i) and (iv) of the Policy.

13.2 **Paragraph 4a of the Policy**

Under Paragraphs 4a of the Policy, the Complainant must meet the following 3 conditions to be entitled to the remedy under Paragraph 4i of a transfer of the Domain Name.

- (i) the Domain Name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant have rights;
- (ii) the Registrant has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Registrant’s Domain Name has been registered or is being used in bad faith.

14. **First condition:**

14.1 **Identical / Similar to Name / Marks of the Complainant in which Complainant has rights**

The Complainant must establish that –

- (1) they have rights to the name or mark “McDonald’s”; and

- (2) that the Domain Name is identical or confusingly similar to "McDonald's".

Complainant's rights

14.1.1 The Panel is satisfied that the Complainant has rights in the name or mark "McDonald's" taking into account –

- (i) the matter as set out in Paragraph 8 above and the trademark registrations in Singapore for McDonald's owned by the Complainant. Under section 26 of the Trade Marks Act (Cap 332) a trade mark registration in Singapore confer upon the proprietor the exclusive right to use and authorize other persons to use the registered mark in relation to goods or services in respect of which the trade mark is registered.

- (ii) through extensive usage and advertisements worldwide, including Singapore, Complainant has built substantial goodwill and reputation as evinced by the approximate annual amount of net sales and advertising expenditure associated with the Complainant's "McDonald's" in Paragraph 8 above. Such reputation and goodwill constitutes a basis on which the common law acts of passing off may be founded.

14.1.2 With the registration of the McDonald's marks dating back as early as 1969 and use of the McDonald's marks having commenced in Singapore since 1979, long before the registration of the Domain Name, the Panel finds that the Complainant has, at the commencement of this Administrative proceedings, rights in the name and mark "McDonald's".

14.1.3 *Identical or confusingly similar:*

- (1) The comparison must be made with the characterizing part of the Domain Name which in this case is "mcdonald's" as the addition of ".com" is to be ignored.

(refer *VAT Holding AG v VAT.com [WIPO Case No. D2000-0607]*
Croatia Airlines d.d v Modern Empire Internet Ltd [WIPO Case No. D2003-0455])

Applying this criterion the Panel finds the Domain Name is identical and/or confusingly similar to the McDonald's name or mark once the ".sg" is disregarded.

14.1.4 The Panel is of the view that –
the Complainant has satisfied the first requirement of Paragraph 4a of the Policy.

15. **Second Condition:**

Rights or legitimate interests of the Respondent

15.1 The Complainant has asserted without rebuttal from Respondent that the latter has no rights or legitimate interests in the Domain Name.

Pursuant to Paragraph 4c of the Policy the following in particular, but without limitation, shall demonstrate the Respondent's rights to or legitimate interests in the Domain Name for purposes of meeting the second requirement.

- (i) *before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrate preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;*
- (ii) *the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or*
- (iii) *the Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.*

Bona Fide Offering of Goods and Services

15.1.1 The question here is whether the Respondent used or made demonstrable preparations to use the Domain Name in connection with a *bona fide* offering of goods or services. The Complainant adduced the following evidence:-

- (a) Respondent failed to take any step to differentiate its website so as to prevent any unintended connection with the Complainant. On the contrary, the Respondent had features in its website which actively encouraged a false connection.
 - (i) when the Complainant surveyed the website on 6 May 2008 there was copious uses of the word "McDonald's" in a manner suggestive of a connection with the Complainant or McDonald's Singapore such as:

"McDonald's Menu", "How To Be A McDonald's Member", "McDonald's Hamburgers", "McDonald's Part-time Jobs", "Fast Food Restaurants", "McDonald's Hotel", "McDonald's Corporation", and "132% on McDonald's stock?"

all suggesting a connection with the Complainant.

- (ii) the hyperlink under the heading "McDonald's Hotel" led to a webpage on www.tripadvisor.com featuring "The Hyatt Lodge at McDonald's Campus" – a genuine hotel accommodation belonging to the Complainant.
 - (iii) The hyperlink located under the headings "McDonald's Part Time Jobs" and "Join Us at McDonald's" led to a genuine online employment recruit web within McDonald's Singapore website www.mcdonalds.com.sg.
- (b) The contents of the website featured variations of headings and positional changes on a daily basis but still retaining the flavour of a connection with McDonald's Singapore website. Complainant objected to the deep-linking to McDonald's Singapore websites which was done without the prior knowledge or consent of McDonald's Singapore or the Complainant.
- (c) Some contents on the website were also denigrating and offensive and harmful to the goodwill of McDonald's Singapore and the Complainant.
- (i) the heading "Sydney River McDonald's Murders" on the side bar of the home page suggested an unwholesome connection between the Complainant and certain murders allegedly committed around the Sydney River region. Although the hyperlink led to a webpage with a list of Sydney-related websites having nothing to do with the subject mater of the hyperlink, the damage to the Complainant was done.

- (ii) the webpage "How To be A McDonald's Member" contained a hyperlink to a gay movie rental website. As the Complainant actively promotes family values, the damage done to the Complainant is irreparable.

15.1.2 The Complainant also cited the following examples to support that the intention of the Respondent's action is not bona fide offering of goods and services.

- (a) In the WHOIS Register, the Registrant's details are incomplete.
 - (i) the Registrant's name is stated to be
"This Domain For Sale (SGNIC-ORES 1279187)"
 - (ii) the registered and mailing address provided is
buyname@msn.com
 - (iii) under "Administrative Contact" field the initials "zzx" is given. An incomplete address at Punggol Field with a postal code 824175 is provided.
 - (iv) under both "Technical Contact" and "Billing Contact" fields, an individual name "Zheng Zhongxing" with an incomplete address in Fujian, China is given. At Complainant's request, SGNIC provided the following details:
"DongShengJieKun XiaoQu 7-605,
Fuzhou, Fujian, China 350007"
- (b) Upon further enquiry, SGNIC revealed additional registration details by providing under "Registrant Contact" the RCB No. 53008942D. Complainant's solicitors conducted a BIZFile Search which traced the RCB No. 53008942D to a business "Silver Media". The BIZFile details of Silver Media is that it is a sole-proprietorship providing web-hosting services. The sole proprietor is one "Zan Hui", a Chinese national residing at 175D Punggol Field, #08-531, Singapore 824175. It is noted that the incomplete address of "zzx" matches this address of Zan Hui.

There is therefore indirect evidence that Zan Hui (trading as Silver Media) is the true registrant of the Domain Name. Given that the Respondent's registration is dated 5 March 2008 it is likely to be a fresh registration and not the same registration by Vcone which is dated 3 January 2005.

15.2 Given the absence of any evidence to support any claim of rights or legitimate interests in the Domain Name the Panel finds that the use of the Domain Name by the Respondent –

(a) is clearly calculated to mislead Internet users into believing that the Respondent's website is associated with the Complainant and is not *bona fide* offering of goods or services by the Respondent.

(b) in view of the evidence submitted by the Complainant the Panel cannot find that the Respondent is making a legitimate non-commercial use or fair use of the Domain Name, without intent to tarnish the name and trade marks of the Complainant. On the contrary the evidence points to the Domain Name being used for commercial purposes in an illegitimate and unfair way. The Panel accordingly finds that the second condition under Paragraph 4a of the Policy is satisfied.

16. **Third Condition:**

Registration/Use of Domain Name in Bad Faith:

16.1 The third and final condition requires the Complainant to prove that the Domain Name has been registered or is being used in bad faith. The Policy clarifies at Paragraph 4b that the following circumstances in particular but without limitation, if found to be present, shall be evidence of the registration and use of a domain name in bad faith.

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

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

- (iii) *the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or*
- (iv) *by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, internet users to the registrant's website or other on-line location, by creating a likelihood of confusion with the complainant's name or mark as to source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.*

16.2 The Complainant claims that the Respondent's name "*This domain for sale*" and registered and mailing addresses "*buyname@msn.com*" are self-evident of Respondent's intention to convey to the public that the Domain Name is for sale. However given the actual **use** of the Domain Name by the Respondent, this Panel is not prepared to rely only on such evidence to conclude that the Respondent registered the Domain Name solely for the purpose of selling it, and is not prepared to make a finding of bad faith of this premise alone.

16.3 *Well-known Mark:*

16.3.1 In registering the Domain Name the Respondent as registrant is bound by the Domain Name Registration Agreement (version 22 October 2007) (DNRA) of SGNIC. Paragraph 8.1 of the Agreement provides that the registrant represents, warrants and undertakes that the domain name -- "*... (b) ... is not identical to or confusingly similar with either a registered trade mark, company or business name in Singapore ...*"

Hence the Respondent's choice and registration of the Domain Name being identical or confusingly similar to McDonald's marks of the Complainant, which are also registered in Singapore, are in breach of the Respondent's above representation and warranty, thereby pointing to bad faith.

16.3.2 By so choosing a name which was so obviously connected with a well-known multi-national like the Complainant its very use by someone with no connection with the Complainant reeks of "opportunistic bad faith" as expressed by the Panel in *Konica Corporation, Minolta Kabushiki Kaisha aka Minolta Co. Ltd v IC [WIPO Case No. D2003-0112]* and also in *Veuve*

Clicquot Ponsardin, Maison Fondée en 1172 v The Polygenix Group Co.
[WIPO Case No. D2000-0163]

16.3.3 As the Complainant had built up the name “McDonald’s” to a globally recognized name the Panel finds that the Respondent was aware of the fame of the McDonald’s name and marks when he registered the Domain Name and would in all likelihood not have registered it were it not for the Complainant’s “McDonald’s marks” being well-known are further indications of the Respondent’s bad faith. This is supported in *J. Crew International Inc v crew.com* [WIPO Case No. D2000-0054] and *Government of Canada v David Beford a.k.a. DomainBaron.com* [WIPO Case No. D2001-0470] held that the registration of domain names which are identical or confusingly similar to the trade marks of others may be taken to be evidence of bad faith for the purposes of the Policy.

16.3.4 The Respondent’s bad faith is further borne out by the use of his Domain Name which falls squarely within the bad faith scenario in Paragraph 4b of the Policy (see Paragraph 15.1.1 above) by intentionally attempting to attract for commercial gain, Internet users to the registrant’s website or other on-line location by creating a likelihood of confusion with the Complainant’s name or mark as to source, sponsorship, affiliation, or endorsement of the registrant’s website or location or of a product or services on the registrant’s website or service.

16.4 *Inferences From Lack of Response:*

16.4.1 The failure to respond to a complaint has been held in past decision to indicate bad faith –

Samsung Electronics Co, Ltd v Funexpress.com.sg Pte Ltd
[SDRP 2002-0004(F)]

and

Google, Inc v Goodles Entertainment
[SDRP 2002-0003 (F)]

Although the Panel is satisfied with the finding of bad faith based on the consideration in Paragraph 16.3 above, the Panel finds it noteworthy that not only has the Respondent failed to file any Response, but has also indicated to the Provider that he has no intention to do so. The Panel does infer that the evidence failed to be filed by the Respondent would not

have been favourable to the Respondent, so his conduct in default of the Rule is additional illustration of bad faith on his part. This finding is supported in the Samsung case referred earlier, and in *Brown Thomas & Company Limited v Domain Relevations [WIPO Case No. 2001-0592]* and *Adilna Llac Sanayi Ve Ticaret A.S. v Serhat Karadag [WIPO Case No. D2007-1146]*.

16.5 For the reasons stated above the Panel finds the Domain has been registered or is being use in bad faith by the Respondent and that accordingly the third condition under Paragraph 4a of the Policy has also been satisfied.

17. **Conclusion:**

In the premises, the Panel finds that the Complainant has established the three elements under Paragraph 4a of the Policy and is entitled to the remedy of the transfer of the Domain Name as provided under Paragraph 4i of the Policy and accordingly directs that the Domain Name be transferred to the Complainant.

Murgiana Haq
Sole Panellist
19 August 2008