

## **ADMINISTRATIVE PANEL DECISION**

International Olympic Committee (IOC) v. Ahmed Syed, AdvertisingPulse  
Case No. D2022-0228

### **1. The Parties**

The Complainant is International Olympic Committee (IOC), Switzerland (hereinafter, “Complainant”), represented by Bird & Bird LLP, Belgium.

The Respondent is Ahmed Syed, AdvertisingPulse, India (hereinafter, “Respondent”).

### **2. The Domain Name and Registrar**

The disputed domain name <olympic-ioco-wso-wsmaf-wmaf-imac-wimaf-wmmaf-gmmaf-wfff.org> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2022. On January 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 26, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on January 27, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 31, 2022.

The Center verified that the Complaint together with the amended Complaint (hereinafter, “the Complaint”) satisfied 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 WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2022. Respondent sent an informal email communication on January 20 and 22, 2022, claiming to have registered the disputed domain name on behalf of a third party. The Center informed the Parties about its commencement of Panel appointment process on March 2, 2022.

The Center appointed M. Scott Donahey as the sole panelist in this matter on March 3, 2022. 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 the Rules, paragraph 7.

#### **4. Factual Background**

Complainant was founded on June 23, 1894, an international non-governmental, non-profit organization. In 1896, the first Olympic Games of the modern era was held in Athens Greece. Since that time Complainant has conducted 23 Olympic Winter Games and 28 Olympic summer games. There are now 206 National Olympic Committees which assist the IOC in its role of conducting the Olympic Summer and Winter games.

The Olympic Charter provides in its rules 7-14, defines the Olympic properties, including its trademarks and other intellectual property rights, all of which are related to the conduct of the Olympic Games. One example of such trademark is the International trademark registration no. 1128501, OLYMPIC, registered on November 8, 2011. One of the most important Olympic properties is the Olympic symbol, which consists of five interlocking rings, three rings above and two rings below. Pursuant to its Charter, Complainant is required to protect the neutrality of the Olympic Movement and act independently of political, racial, or religious interests.

Complainant conducts the Olympic Games, the most widely broadcast event in the world. Complaint, Annex 4, and the International Olympic Committee has a substantial presence on the World Wide Web. Complaint, Annex 5.

Respondent registered the disputed domain name on July 26, 2020. Complaint, Annex 1. Respondent is in no way affiliated with Complainant. However, Respondent alleges that they are the three main constituents of the Olympic Movement. Complaint, Annex 2. The organizations with which Respondent claims affiliation have never been recognized by Complainant and are not official entities within the Olympic Movement. Complaint, Annex 6. The martial arts mentioned on Respondent's website are not even included on the Olympic program. Most of the content on the website to which the disputed domain name resolves contains clear references to the Olympic Games. Complaint, Annex 7. Indeed, Respondent depicts a five ring construction extremely similar to the trademarked Olympic rings registered by Complainant. Complaint, Annex 2.

Complainant attempted to contact Respondent via the email address provided on Respondent's website, but its attempts have failed to elicit a response. Complainant's counsel sent Respondent a cease and desist letter to Respondent on November 12, 2021 to which Respondent failed to respond. Complaint, Annex 8. At the time this Complaint was filed, the disputed domain name resolved to an inactive website which stated "Account suspended." Complaint, Annex 2.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that the disputed domain name is confusingly similar to Complainant's registered trademarks. Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant argues that the disputed domain name was registered and has been used in bad faith.

##### **B. Respondent**

Respondent failed to respond to the allegations.

## 6. Discussion and Findings

“A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Paragraph 4(a) of the Policy directs that the complainant must prove each of the following:

- (i) that the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and,
- (ii) that the respondent has no rights or legitimate interests in respect of the domain name; and,
- (iii) that the domain name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

Complainant insists that that the disputed domain name is confusingly similar to Complainant’s registered trademarks, in that the disputed domain name leads with its OLYMPIC mark and that the contents of the website to which the disputed domain name previously resolved, included linked five circles extremely similar to Complainant’s trademarked five links symbol. The Panel agrees, and finds that the disputed domain name is confusingly similar to Complainant’s trademarks.

### B. Rights or Legitimate Interests

While the overall burden of proof in UDRP proceedings is on the complainant, UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the almost impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.1.

In the present case Complainant alleges that Respondent has no rights or legitimate interests in respect of the disputed domain name and Respondent has failed to assert any such rights. Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the disputed domain name.

### C. Registered and Used in Bad Faith

Respondent has used the domain name in the past to resolve to a website at which Respondent, who has no affiliation with Complainant whatsoever, asserts a relationship to Complainant and its Olympic Games, which Respondent does not and never has had. Moreover, after Complainant attempted to contact Respondent to resolve the matter, Respondent has taken down the website entirely. Accordingly, the Panel finds that Respondent has registered and is using the disputed domain name in bad faith.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <olympic-ioco-wso-wsmaf-wmaf-imac-wimaf-wmmaf-gmmaf-wfff.org>, be transferred to Complainant.

*/M. Scott Donahey/*

**M. Scott Donahey**

Sole Panelist

Date: March 14, 2022