

ADMINISTRATIVE PANEL DECISION

GrabTaxi Holdings Pte. Ltd. v. Truong Thi Thuy Ngoc
Case No. D2023-1926

1. The Parties

The Complainant is GrabTaxi Holdings Pte. Ltd., Singapore, represented by BMVN International LLC, Viet Nam.

The Respondent is Truong Thi Thuy Ngoc, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <grabbinhduong24h.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 28, 2023. On April 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 1, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On May 1, 2023, the Center transmitted an email communication to the Parties in English and Japanese regarding the language of the proceeding. On May 2, 2023, the Complainant submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

The Center verified that 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 the Respondent in English and Japanese of the Complaint, and the proceedings commenced on May 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2023.

The Center appointed Erica Aoki as the sole panelist in this matter on June 20, 2023. 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

The Complainant was founded in Malaysia in 2012 and is a leading provider of a wide range of everyday services provided in more than 480 cities across 8 countries in Southeast Asia with presence in Viet Nam, Singapore, Malaysia, Thailand, Indonesia, Philippines, Cambodia, and Myanmar.

Through its proprietary mobile super-app and platform, the Complainant connects millions of consumers with millions of drivers and merchants. Services offered on its platform include, amongst others, transportation (ride bookings, ride-hailing, ridesharing), logistics, food delivery, courier services, online shopping, home cleaning and repair services, financial services such as e-payments and enterprise services.

In December 2015, the Complainant entered a global rideshare agreement with Didi Chuxing, Lyft and Ola - a partnership that reaches nearly 50 per cent of the world's population, including the millions of international travelers across China, Southeast Asia, the United States of America, and India yearly.

The Complainant holds registrations for the trademark GRAB and variations thereof as early as 2013 and in 2014 in the world including but not limited to the Vietnamese trademark registration GRAB, with registration number 40318225000, registered on April 16, 2019.

The Complainant also has a number of domain names that contain the GRAB trademark as a prominent feature thereof, the first created on November 2, 1996.

The disputed domain name was registered on August 10, 2020. The disputed domain name resolves to a website that offers services that are directly related to the Complainant's business suggesting that it is an official website of a subsidiary of the Complainant in that specific location.

5. Parties' Contentions

A. Complainant

The Complainant in these administrative proceedings is GrabTaxi Holdings Pte. Ltd., a company incorporated in Singapore on June 14, 2013, which is holding entity of the Southeast Asia's leading technology company group that is founded in 2012 and headquartered in Singapore.

The Complainant offers software platforms and mobile applications for, among other services, ride-hailing, ridesharing, food delivery, logistics services, and digital payment. This includes without limitation the mobile application named 'Grab'.

Since October 2013, it has had a strong presence in Singapore and Malaysia, and its goods and services are also offered in neighboring Southeast Asian nations such as Viet Nam, Indonesia, Thailand, the Philippines, Myanmar, and Cambodia.

On March 26, 2018, the Complainant announced the acquisition of Uber's operations in Southeast Asia, including Viet Nam. Through this acquisition, the Complainant has integrated Uber's ridesharing and food delivery business in the region.

On August 8, 2022, the Complainant announced that it has hit a milestone of 10 billion rides and deliveries as it celebrates its 10th anniversary since its inception in 2012.

The Complainant has invested a significant amount in marketing and promoting its goods and services under its trademarks. The Grab Trademarks have been continuously used in respect of the Complainant's goods and services in advertising and promotional materials, both online and offline; and its efforts are rewarded with public recognition and awards.

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark, and it includes four components, "grab", "binhduong", "24h", and ".com". The disputed domain name incorporates the entirety of the GRAB trademark recognized as well-known and strongly associated with the Complainant's business for many years.

Also, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights; and
- (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.

The Respondent's default (*i.e.*, failure to submit a formal response) would not by itself mean that the Complainant is deemed to have prevailed. The Respondent's default is not necessarily an admission that the Complainant's claims are true. See in this regard WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3, "In cases involving wholly unsupported and conclusory allegations advanced by the complainant, or where a good faith defense is apparent (*e.g.*, from the content of the website to which a disputed domain name resolves), panels may find that – despite a respondent's default – a complainant has failed to prove its case.

Further to paragraph 14(b) of the UDRP Rules however, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case *e.g.*, where a particular conclusion is *prima facie* obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent".

A. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Japanese. Paragraph 11(a) of the Rules provides that "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding". The Panel may also order that any documents submitted in a language other than that of the proceeding be translated.

However, as noted by previous UDRP panels, paragraph 11 of the Rules must be applied in accordance with the overriding requirements of paragraphs 10(b) and 10(c) of the Rules that the parties are treated equally, that each party is given a fair opportunity to present its case and that the proceeding takes place with due

expedition (see, e.g., *General Electric Company v. Edison Electric Corp. General Energy a/k/a Edison GE GEEEEGE.COM a/k/a Edison-GE and Edison Electric Corp.*, WIPO Case No. [D2006-0334](#)).

In deciding whether to allow the proceeding to be conducted in a language other than the language of the Registration Agreement, and to require the Complainant in an appropriate case to translate the Complaint into the language of that Agreement, the Panel must have regard to all “the relevant circumstances” of the case. The factors that the Panel should take into consideration include *inter alia* whether the Respondent is able to understand and effectively communicate in the language in which the Complaint has been made and would suffer no real prejudice, and whether the expenses of requiring translation and the delay in the proceedings can be avoided without causing injustice to the Parties.

According to section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), prior UDRP panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include: (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant’s mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (viii) in cases involving multiple domain names, the use of a particular language agreement for some (but not all) of the disputed domain names, (ix) currencies accepted on the webpage under the disputed domain name, or (x) other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement.

The Complainant has submitted a request that the language of the proceeding be English. The Complainant, among others, indicates that the website under the disputed domain name, while in Vietnamese, incorporates many elements in English.

The Panel notes that the Center notified the Respondent in Japanese and English regarding the language of the proceeding and the Respondent was invited to present his objection to the proceeding being held in English and if the Center did not hear from the Respondent by the specified due date, the Center would proceed on the basis that the Respondent had no objection to the Complainant’s request that English be the language of the proceeding. The Respondent had the opportunity to raise objections or make known his preference but did not do so. The Panel further notes that the Center notified the Respondent in Japanese and English of the Complaint, and the Respondent was informed that it could file a response either in Japanese or English, but the Respondent did not file any response.

Taking all these circumstances into account, the Panel finds that it is appropriate to exercise its discretion and allow the proceeding to be conducted in English.

B. Identical or Confusingly Similar

Based on the facts presented by the Complainant, this Panel finds that the Complainant has established its rights in GRAB trademark through registration and use. The Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trademark, as the disputed domain name includes the Complainant’s mark in full, with the addition of the term “binhduong” - which is a geographical location in Viet Nam (*i.e.*, Binh Duong Province). The addition of the geographical term “binhduong” does not suffice to prevent the confusing similarity between the disputed domain name and the Complainant’s trademarks.

Another element “24h”, is a common abbreviation for “24 hours” which can be deemed as descriptive of the transportation booking services offered on the website at the disputed domain name and also the services under GRAB Trademarks, which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s Trademark. The element “.com” only serves as a standard registration requirement and is disregarded under the confusing similarity test.

C. Rights or Legitimate Interests

The Panel finds the following on record in this proceeding under the Policy:

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy indicates that a registrant may have a right or legitimate interest in a domain name if it uses the domain name in connection with a *bona fide* offering of goods or services prior to notice of the dispute. In this regard, the Respondent is in no way connected with the Complainant and has no authorization to use any of the Complainant's trademarks.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization.

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel therefore finds that the Complainant has established an un rebutted *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, under the Policy, paragraph 4(a)(ii).

D. Registered and Used in Bad Faith

The Respondent has registered the disputed domain name to lure consumers to an imposter's site for commercial gain.

The Complainant's trademark was registered before the registration of the disputed domain name, and it is evident from the Respondent's use of the disputed domain name that the Respondent knew of the Complainant's GRAB trademark when registering the disputed domain name.

The Panel finds that it is most likely that the Respondent was aware of the Complainant's rights in the GRAB trademark at the time the disputed domain name was registered, indicating that such registration was made in bad faith.

The disputed domain name resolves to a website that offers services that are directly related to the Complainant's business suggesting that it is an official website of a subsidiary of the Complainant in the location of Binh Duong Province. The Panel finds that the disputed domain name was registered in an attempt to attract Internet users to its website for commercial gain.

Accordingly, and as also supported by the Panel's findings above under the second element of the Policy, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

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 <grabbinhduong24h.com> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: July 4, 2023