

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0016

Also in PDF C2025-0016

1. The Complainant

The Complainant is ORIENT COLOR LABS (PRIVATE) LIMITED, having its office at 26-Kilometer Multan Road Maraka, Lahore. The Complainant has initiated the Complaint vide their authorized representative, Ahmad Nawaz Khurram, with their address at I Farah Center 2 Mozang Road, Lahore.

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <orient.pk>, hereinafter referred to as the Disputed Domain Name [“the DDN”].

PKNIC has informed DNDRC that the DDN is registered by Shahab Hussain with the contact name M. Khalid Aziz, with their address at Suite 5, 3rd Floor, 16-C, Lane-6, Zamzama, Ph-V, D.H.A., Karachi and that the email address provided at the time of registration of the DDN is otc@super.net.pk.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent in accordance with the PKNIC - Internet Domain Registration Policy upon receiving notification from the Complainant on 11 March 2025. An administrative review of the Complaint was conducted and completed on 29 April 2025, following which the Complainant was notified of the compliance review’s completion and the subsequent procedural requirements on 29 April 2025.

Upon the Complainant’s fulfillment of the procedural requirements on 15 May 2025, DNDRC formally requested the Respondent’s registration details from PKNIC on 15 May 2025. PKNIC provided the requested details on 16 May 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 26 May 2025, enclosing a copy of the Complaint and a Response Form, informing the Respondent that failure to submit a Response within 10 days would result in the dispute proceeding ex parte. The Respondent was issued a reminder to file the Response Form on 02 June 2025.

The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 01 July 2025. The arbitrator completed the review and issued a decision on 15 July 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 15 July 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules), DNDRC appointed Mr. Willayat Ali Shah as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

Factual Background

4. Parties Contentions

(a) Complainant

The Complainant's brief contentions are reproduced below:

The Complainant is a private Limited Company incorporated under the laws of Pakistan on the 15th of December 1983 and doing business under the name and style of orient color labs private limited. The complainant has already spent more than 100 million rupees on advertising since 1983 for establishing brand "Orient" and now orient has become a brand / house hold name.

Therefore, the Complainant seeks the following remedy:

That the directions may kindly be issued that the Domain Name be transferred in complainant's name or an appropriate relief may very kindly be allowed

1. Respondent

The Respondent has not made any submissions.

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DDN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain* (case no. C2007-0001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

1. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

- i. Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).
- ii. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
- iii. Legitimate interest in the domain name (a UDRP criteria).
- iv. Registration and use of the domain name in bad faith (a UDRP criteria).

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

- a. infringes upon a registered tradename,*
- b. is not bona fide as recognized by international best practice,*
- c. in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,*
- d. has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or*
- e. in the opinion of PKNIC is not appropriate for registration.*

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the DDN, the application and registration of the DDN shall be assessed in consideration of the following criteria:

- i. Whether the DDN infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDN is bona fide?
- iii. Whether the application and/or registration of the DDN contravenes the Pakistan Penal Code, 1860 (the “Penal Code”) or any applicable criminal law?

The Complainant has made the following submissions:

That the respondent is using the web site orient.pk illegally and against the rules and regulations.

The Respondent did not make any submissions.

In order to satisfy this criterion, the Complainant must demonstrate that the DDN expressly contravenes their trademark rights. For this purpose, the Complainant has asserted that the Respondent's use of the DDN is illegal and violates applicable rules and regulations. Additionally, the Complainant has also submitted the trademark registrations bearing the text of the DDN "Orient" which is granted to the Complainant.

The Panel notes a finding of infringement typically requires the DDN to consist solely of the trademark, without the inclusion of generic or descriptive terms. In this case, the DDN entirely incorporates and is formed exclusively of the word "Orient" which is trademarked by the Complainant. Therefore, the use of "Orient" by the Respondent would violate the trademark rights of the Complainant under the Trademarks Ordinance, 2001.

The Panel finds that the registration of the DDN goes against the PKNIC policy by using a mark that was already registered by the Complainant at the time of registration. Since the Complainant has sufficiently satisfied their trademark rights with respect to "Orient", an exact reiteration of which is used in the DDN and the Respondent has unlawfully used the same to register the DDN, this makes the DDN void ab initio in accordance with the PKNIC policy (See Standard Chartered PLC v. Hosting Campus Domain (case no. C2007-0001)).

In view of the above, the Panel finds that the DDN contravenes the PKNIC Policy. However, for the sake of discussion, the Panel finds it imperative to assess and evaluate each of the three UDRP criteria.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has made the following submissions:

The dispute domain name 'Orientshop.pk' is identical or confusingly similar to the complainant trade mark. A domain name is "identical or confusingly similar" to a trademark for purpose of the policy when a domain name includes a trademark or a confusingly similar approximation, regardless of the other terms in the domain name.

The Respondent did not make any submissions.

The Complainant has contended that the DDN orient.pk is identical or confusingly similar to the Complainant's trademark "ORIENT" as the DDN includes the Complainant's trademark or its approximation.

The Panel refers to WIPO Overview 3.0 and notes that the test of confusing similarity includes a side-by-side comparison of the Complainant's mark with the DDN to assess whether the mark is recognizable in the DDN. Upon conducting such a comparison, the Panel finds that the DDN is formed exclusively of the mark "ORIENT" which would satisfy the test of confusing similarity (See *WIPO Case No. D2000-0113, The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.*).

The Panel further acknowledges the principle concerning ccTLD (for e.g., .pk) which finds that the addition of such suffix does not affect the likelihood of confusion as it is necessary requirement for the registration of the domain name itself (See *WIPO Case No. DTV2011-0003, IndiaMART InterMESH Limited v. Personal*).

Based on the assessment above, the Panel concludes that the DDN is identical to a trademark in which the Complainant holds rights.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent's claim to be of legitimate interest and shall be:

"proved based on all evidence presented" that "shall demonstrate" the Respondent's "rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii)."

Paragraph 4(a)(ii) states that:

"(i) before any notice to you of the dispute, your use of, or demonstrable 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; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Complainant has made the following submissions:

The Respondent has no right or legitimate interest in respect of the disputed domain name

The complainant has no relationship with the Respondent. The Respondent is not affiliated with the complainant and does not have the permission, consent or license of the Complainant to register the disputed domain name. The Respondent is using the disputed domain name which includes Complainants 'Orient' Mark

That the orient is a very famous brand in Pakistan and under the brand name is manufacturing various products such as Air Conditioner, Refrigerator, water Dispenser, Micro Wave Oven, Washing Machines, Ceramic Tiles, Textile products.

The Respondent did not make any submissions.

The Complainant asserts that the Respondent lacks any legitimate interest in the DDN, citing the absence of any relationship with the Complainant and the unauthorized use of the “ORIENT” trademark.

The Panel notes that once a complainant has made a *prima facie* case that respondent lacks rights or legitimate interests in the domain name, the burden shifts to respondent to establish some rights or legitimate interest with respect to the domain name. If the respondent fails to do so, this element is typically satisfied (see *Sony Kabushiki kaisha v. sony.net*, WIPO Case No. D2000-1074).

In this case, the Complainant has shifted the burden onto the Respondent however, the Respondent has not made any submissions to demonstrate otherwise. In light of the foregoing, no legitimate interests can be found on part of the Respondent.

The Panel therefore finds that the Respondent does not have any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

That the respondent is using the website to mislead the general public with mala fide intentions.

That the complainant and its many sister concerns already using the word "Orient" such as orient Electronics (Pvt) Limited, Orient Material (Pvt) Ltd, Orient Apparel (Pvt) Ltd, Orient Home Appliances (Pvt) Ltd, Orient Towers (Pvt) Ltd.

That the Orient brand is a very well-known brand in Pakistan and the complainant is using the name orient since, 1983. The respondent is trying to take undue and unfair advantage by using the web site unlawfully.

That DNDRC already decided the case of "Orient.com.pk" in favor of the complainant and the relevant portion of the decision is reproduced here under:-

Since the Respondent has not countered/justified the Complainant's allegations(s) nor has it provided the DNDRC with any fact(s). reason(s). justification(s) of to support his position, the Panel can reasonably infer that the Respondent by registering/using the Disputed Domain Name. has intentionally attempted to attract. for commercial gain. internet users to the disputed domain name by creating a likelihood of confusion with the Complainant's trade name as to the source, sponsorship. affiliation, or endorsement of its web site or location and the services being provided online. Based on the above discussions under this head as well as the applicability of the above mentioned precedents and the applicability of those to the facts of this case, the Panel finds the disputed domain name to be registered and used in bad faith. Decision For the foregoing reasons. the Panel therefore concludes and decides that

- 1. The Respondent's registration of the Disputed Domain Name is in violation of the PKNIC - Internet Domain Registration Policy Aug 07. 2007 version 4.2.*
- 2. The Respondent has no legitimate interest in the Complainant's Domain name.*
- 3. The domain name is confusingly similar/ identical.*
- 4. The Respondent is making mala fide use of the Complainant's Domain name.*

The Respondent did not make any submissions.

The Complainant contends that the Respondent registered and is using the DDN in bad faith, alleging that it was done with the intent to mislead consumers for malicious purposes. In support, the Complainant cites a prior DNDRC Panel decision involving the domain name <orient.com.pk>, where similar circumstances led to a finding of bad faith.

The Panel refers to Sections 3.2.2 and 3.2.3 of the WIPO Overview 3.0, which clarify that where a complainant's trademark is distinctive and well known, a respondent is presumed to have knowledge of it at the time of registration. Even in the absence of such presumption, a basic online search would have revealed the existence of the Complainant's trademark. The Respondent's failure to do so supports a finding of bad faith (See *WhatsApp Inc. v. Francisco Costa, WIPO Case No. D2015-0909*).

In view of the Complainant's allegation that the DDN was used to attract users to the Respondent's website, the Panel considers Paragraph 4(b)(iv) of the UDRP Policy to be relevant. This provision recognizes bad faith where a domain is used to intentionally attract internet users, for commercial gain, by creating a likelihood of confusion with a complainant's trademark. Given the Panel's finding that the DDN is identical to the Complainant's mark, this element warrants closer examination.

As noted in the WIPO Overview 3.0, the concept of "commercial gain" extends beyond direct financial profit and may include reputational benefits or leverage in negotiations. The Panel observes that the Respondent's website was used to offer goods bearing the Complainant's trademark. In line with previous UDRP decisions, such use may support a finding of bad faith where the trademark is used to derive benefit without authorization (see *Orient Color Lab (Private) Limited v. Orient Engineering Services, Case No. C2012-0001*).

The Panel further notes that the Respondent did not submit a response. In such circumstances, a panel may draw negative inferences. Prior UDRP panels have also held that where a DDN is closely associated with a well-known trademark, its use by an unrelated party may constitute opportunistic bad faith (see *LEGO Juris A/S v. store24hour, WIPO Case No. D2013-0091*).

The Panel, therefore, finds that the DDN was registered and is being used in bad faith by the Respondent.

7. Decision

The Panel, upon the review of the information provided by the Complainant, recognizes that the "ORIENT" mark is registered to the Complainant and Respondent has no legitimate rights over it. Therefore, the continuous use of the DDN relating to the Complainant's registered trademark could result in hinderance in exercise of the rights of the Complainant in the trademark and could also jeopardize the reputation of the Complainant by amounting to confusion regarding the ownership of the DDN.

Taking all the discussion above into consideration, the Panel concludes and decides that:

1. The Respondent's registration of the DDN does violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is identical to the registered trademark of the Complainant;
3. The Respondent has no legitimate interests in the DDN;
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the DDN <orient.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded, www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Willayat Ali Shah

Sole Panelist

Date: 15 July 2025