

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0030

Also in PDF C2025-0030

1. The Complainant

The Complainant is HPK (Pvt) Ltd, having its office at office No.208, 2nd Floor, Evacuee Trust Complex, Agha Khan Road, F-5/1, Islamabad. The Complainant has initiated the Complaint vide their authorized representative, Dr. Ammara Farooq Malik, and Mr. Israr ul Haq, Director HPK (Pvt) Ltd., with their address at Office No.208, 2nd Floor, Evacuee Trust Complex, Agha Khan Road, F-5/1, Islamabad.

2. The Domain Name and Respondent

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

PKNIC has informed DNDRC that the DDN is registered by Zeeshan Hussain, with their address at FF5 Commercial Centre Dc Colon City Gujranwala, and that the email address provided at the time of registration of the DDN is zeeshanmudassir@gmail.com.

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 09 October 2025.

The Complainant fulfilled the procedural requirements on 16 October 2025 whereas DNDRC had formally sought the Respondent’s registration details from PKNIC on 26 September 2025 pursuant to an earlier consolidated complaint including the DDN. PKNIC had provided the requested details on 03 October 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 17 October 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 submitted the Response Form on 21 October 2025.

The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 23 October 2025. The arbitrator completed the review and issued a decision on 08 November 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 24 November 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Muhammad Amaan Latif 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

- a) *The infringing Domain name is the subject of this Complaint which is being instituted on account of misappropriation of the Complainant's registered trademark/domain name as domain name by the Respondent.*
- b) *In 2009, the Complainant's business was started under a sole proprietorship by Mr. Israr ul Haq when he acquired the domain name on 31 May 2009 and launched the website www.hosterpk.com through which services such as Shared Web Hosting, Reseller Hosting, VPS hosting, Dedicated Server Hosting, Web Development and Domain Registration were offered to the public at large all over the world.*

Whois.com search result - Exhibit – 4

See Annex 4 for a screen capture of the Complainant's website and copies of information on the Complainant, including its Wikipedia entry, press articles on Meta's acquisition of

WhatsApp in 2014, its application rankings and rapid growth and popularity worldwide, including in Pakistan.

- c) *Subsequently, on 24 November 2010, the Complainant's said business was registered with the Federal Board of Revenue under the tradename "HosterPK".*

*FBR Tax Payer Profile - **Exhibit – 5***

- d) *With the passage of time, the Complainant's business under the tradename and domain name "HosterPK" grew, and Mr. Israr ul Haq incorporated a company under the name of HOSTERPK (Pvt) Ltd on 31 July 2019 with the Securities & Exchange Commission of Pakistan.*

*HOSTERPK (Pvt) Ltd Incorporation Certificate – **Exhibit – 6***

- e) *Mr. Israr ul Haq also incorporated the Complainant company under the name HPK (Pvt) Ltd on 12 October 2021 with the Securities & Exchange Commission of Pakistan. The said company is carrying on the afore-stated business using the domain name <hosterpk.com>.*

*(i) HPK (Pvt) Ltd Incorporation Certificate – **Exhibit – 7***

*(ii) Board Resolution – **Exhibit - 8***

- f) *The Complainant's core business under its registered trademark/domain name relates to providing international standard web hosting services and support to its clients in Pakistan and abroad. The Complainant has, over the years, become one of Pakistan's top three web hosting service providers, in terms of clients. The Complainant has served 5,000+ sites and is Pakistan's top ASP.Net hosting service provider. It is the only host in Pakistan providing Shared, VPS/Cloud, Dedicated Servers in Both Linux and Windows serving 50+ Dedicated / VPS Servers in both Linux and Windows and consistently maintains 99.96% server uptime.*

*Screenshot from www.hosterpk.com – **Exhibit – 9***

- g) *The Complainant, since 2009, under its registered trademark/domain name has been serving its customers, both in Pakistan and abroad, by providing best quality services at the best price and as a consequence thereof, the Complainant's business under its registered trademark/domain name is widely recognized in Pakistan and in other countries. Some of the Complainant's clients are renowned brands, provincial and federal government agencies and educational institutes.*

*(i) Existence of www.hosterpk.com since 2009 – **Exhibit – 10***

- (ii) Sales Invoices of foreign clients – **Exhibit - 11**
- (iii) Sales Invoices of well-known local clients – **Exhibit - 12**
- (iv) Sales Invoices of other clients – **Exhibit – 13A, 13B, 13C, 13D & 13E**

- h) The Complainant has also advertised its services under its registered trademark/domain name through Google Ads and incurred substantial expenditure in doing so, wherefore the Complainant's registered trademark/domain name has also achieved a well reputed status in Pakistan as well as in many other countries. Further publicity done on X and Facebook can also be seen at: <https://x.com/hosterpk> and https://www.facebook.com/HosterPKWebHosting/about_profile_transparency.
- i) On 18 January 2023, the Complainant also got its trademark "HosterPK" registered in Pakistan (No. 692415 in class 42), details whereof are stated in paragraph no. 7(a) above.
- j) On account of its continuous use since 2009, the Complainant's registered trademark/domain name has acquired excellent goodwill and reputation in favour of the Complainant. From the very beginning and down the years, the said name has consistently been associated with, and has denoted the business and services of the Complainant. For its users all over Pakistan and abroad, the words "HosterPK" is a distinguishable mark – a mark on which they have implicit faith and trust. The weblinks stated below are independent, third-party signals of brand recognition and longevity— authority metrics (Ahrefs), national rankings (WHTop, Hostings.info), global mentions (GoDaddy Resources), category roundups (SaaSHub), press and community references (Express Tribune, ProPakistani, WebHostingTalk). Collectively, these demonstrate a well known mark with extended prior use in Pakistan. References can be made to:
- (i) <https://tribune.com.pk/story/691094/privacy-breachhacker-arrested-for-leaking-private-data/>
 - (ii) <https://propakistani.pk/2008/10/30/web-hostingproviders-in-pakistan-review/>
 - (iii) <https://www.godaddy.com/resources/asia/skills/websitcost-in-pakistan>
 - (iv) <https://www.webhostingtalk.com/showthread.php?t=1253262>
 - (v) <https://www.saashub.com/alternatives/post-linkedin-2024-01-18-13-best-web-hosting-companies-in-pakistan-2024>
 - (vi) <https://ahrefs.com/website-authority-checker/?input=HOSTERPK.COM>
 - (vii) <https://ahrefs.com/website-authority-checker/?input=HOSTER.PK>

Ahrefs' Website Authority Checker Domain Rank (DR) (0–100, logarithmic proxy of backlink strength, which is widely used as a neutral third-party checker for the strength and longevity of a domain's reputation on the web) shows the Claimant's HOSTERPK.COM: DR 71, ~8.7K

backlinks, 503 linking sites: DR 10, ~3.8K backlinks, 41 linking sites — see: <https://ahrefs.com/website-authority-checker/?input=HOSTERPK.COM> and <https://ahrefs.com/website-authority-checker/?input=HOSTER.PK>.

- k) *In brief, the Complainant has extensively used, promoted and advertised its mark “HosterPK” at various channels including Social media (such as Facebook, YouTube, LinkedIn, Twitter, WhatsApp), Google, and today is enjoying the status of a well-recognized mark.*

Below are the key indicators of HosterPK reputation and globally well recognized status:

- *HosterPK has 80,000+ customers/users worldwide including USA, UK, UAE, China, Canada, Australia, New Zealand, Germany, France, and Netherlands. The randomly collected customer invoices/receipts establish the commercial use of HosterPk are*
- *According to the Google Organic Search Traffic Report (GA4), 11,700 customers visit HosterPK.com website per month that reflects an unmatched goodwill and reputation of the brand in a country with poor economy and unstable infrastructure for businesses*
- *To promote its business and keep its clients up-to-date and informative about its services, latest technologies; learning online business strategies and beyond, in 2012 the Complainant has created its Hoster Pk Blog.*
- *HosterPK ranking is on the rise by each passing day as evidenced below: - According the “Website Planet” statistics (2019), HosterPK is ranked amongst 500 fortune websites from 3860 web hosting services (<https://www.websiteplanet.com/web-hosting/hosterpk/>); - As per WHmedium report (2019), HosterPk is ranked at 8.7; managing 13, 662 domains; and has 17,778 visitors per month; - Hostings.info rating and full experts reviews (2025) ranked HosterPk at 4.1; Customers review summary at Trustpilot.com rated HosterPK at 4.2 and highlighted it as a reliable hosting service. Customers reviews at ProductHunt website ranked HosterPK at 5.00 and highlighted it as top webhosting service in Pakistan. The global webhosting directory and review platform “WHTop.com” listed HosterPK.com amongst the top 10 Web Hosting Pakistan. According to SaaSHub 2024 statistics, HosterPK is one amongst the 13 other International Web Hosting Brands. Similarly, GODADDY-the top Web Hosting brand in the World, 10Web -an international tech platform and Aeroleads – an independent, third-party ranking, ranked HosterPK amongst one of the oldest, the best and well-known web hosting in Pakistan.*

*Screenshots of publicity of hosterpk.com – **Exhibit 14A, 14B & 14C***

- l) *The Complainant learnt that the Respondent acquired the infringing Domain Name and launched websites on the said domain name offering services to the public at large through the said website. The infringing Domain Name as well as the services offered under it by the Respondent are identical to the Complainant's registered trademark/domain name and services respectively.*

*Screenshot of www.hosters.pk - **Exhibit – 15B***

- m) *The Complainant sent a legal notice to the Respondent on 25 January 2023 demanding it to stop using the infringing Domain Name. However, neither any response to the said legal notice was received by the Complainant nor did the Respondent stop using the infringing Domain Name.*

*Copy of the Legal Notice dated 25 January 2023 – **Exhibit 16***

- n) *To the best of the Complainant's knowledge, the Respondent filed an application for registration of a trademark HOSTER.PK (logo) with the Trade Marks Registry on 02 March 2023, however, the said application is pending and registration of the same has been objected to by the Registry. It is interesting to note that in this application the Respondent has claimed user since 01 June 2019. The said application has been filed by the Respondent, as a result of the Complainant's afore-stated legal notice, as an after thought, establishing bad faith.*

*Details of the Respondent's trademark application – **Exhibit 17***

- o) *The present Complaint has been instituted in order to protect the Complainant's rights in its registered trademark/domain name which has been unauthorizedly copied by the Respondent and registered as the infringing Domain Name with PKNIC Registry.*

Therefore, the Complainant seeks the following remedy:

In accordance with paragraph 4(1) of the Policy, for the reasons described in section V above, the Complainant requests the Registrar/Administrative Panel appointed in the administrative proceeding, to issue a decision that the Respondent's ownership of the domain name be revoked/cancelled and the said domain name be transferred to the Complainant.

(b) Respondent

The Respondent has made the following submission.

- a) Domain Registration Timeline:
- September 18, 2009: Respondent registered hosters.pk (Exhibit A-1, A-2)
 - 2019: Complainant's company HPK (Pvt) Ltd incorporated (10 years after our registration)
 - January 18, 2023: Complainant registered trademark (14 years after our domain)
- b) Business Operations:
- Respondent has operated continuously since 2009 as Hosters.PK
 - Established customer base of over 90,000 Facebook followers (vs Complainant's 9,400)
 - Superior service ratings: 4.9 stars on Google (vs Complainant's 4.3 stars)
 - Lower complaint rate: 12% (vs Complainant's 31%).
 - Higher customer satisfaction: 78% satisfied clients (vs Complainant's 59%).
 - More affordable pricing: Rs 4872 ÷ 12=406/m (vs Complainant's Rs 5580 ÷ 12=465/m)

Therefore, the Complainant seeks the following remedy:

The Respondent respectfully requests the Panel to:

- a) Dismiss the Complaint for lack of jurisdiction*
- b) Alternatively, deny the Complaint on substantive grounds*
- c) Make a finding of Reverse Domain Name Hijacking*
- d) Award costs to the Respondent*

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. C20070001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c20070001.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 (2019-0819) 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 / trademark?
- 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:

Trademark	Registration No.	Registration Date	Class
	692415	18.01.2023	42

a) Complainant’s trademark registration:

The Complainant is the registered proprietor of the trademark “HosterPK” in Pakistan under the Trade Marks Ordinance, 2001. The following are the relevant details of the said registration:

The Complainant's above-mentioned trademark registration is valid and subsisting in class 42 for services including, but not limited to, Computer Software & Mobile Application; Server Hosting, website design consultancy, Computer Software Development, Scientific and Technological Services and Research and Design Relating Thereto; Industrial Analysis and Research Services; Design and Development of Computer Hardware and Software, Design and Development of Computer Hardware and Software. Biometric Extraction and Data Processing, Providing Search Engine Services; Application Service Provider (Asp) Featuring Software Providing a Digital Wallet; Web Domain provider, Providing Computer Application Software for The Security, Software Featuring of Formation on Recruitment Services, Staffing Solutions and Career Planning; Software Application That Enables Employers to Look for And Recruit Employees; Software Application for Posting, Distributing, And Viewing Employment opportunities.

Trade Mark Registration Certificate for "HosterPK" - Exhibit - 3

The Respondent has not made a submission.

The Panel observes that, to meet the requirements of the PKNIC Internet Domain Registration Policy, there must be a clear violation of trademark rights. Therefore, it is necessary to establish that the DDN infringes upon the Complainant's registered trademark rights. In support, the Complainant has provided clear evidence (Exhibit - 3) of its valid and subsisting registration for the mark 'HosterPK' in Pakistan, which the Panel notes is for services in Class 42, including "Server Hosting" and "Web Domain provider".

While the Panel recognizes the Complainant's established trademark rights in 'HosterPK', it also notes that the Complainant has not clarified its position on how the DDN, which incorporates the term 'hosters' rather than its exact mark, constitutes an infringement. There is limited discussion on whether this difference, namely the use of 'hosters' when combined with the '.pk' TLD, is an infringing variation or if it serves to distinguish the DDN from the Complainant's registered trademark.

In light of the absence of arguments addressing this aspect, particularly as the Respondent has not made a submission, the Panel considers it essential to evaluate the Complaint in accordance with the three UDRP Criteria to arrive at a decision.

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

The Complainant has made the following submissions:

A. The Domain Names are identical or confusingly similar to the Complainant's registered trade mark, service mark and domain name in which they have rights

(Policy, para. 4(a) (i), Rules, paras. 3(b) (viii), (b) (ix) (1))

- (i) The Complainant has used the trade name "HosterPK" since 2009 and officially adopted the same in 2010 when the Complainant got registered with FBR. Further, the Complainant also got the trademark "HosterPK" registered in its favour in 2023. The Complainant's proprietary rights over the trade name and domain name "HosterPK", as well as its adoption and use, predate the registration date for the infringing Domain Name which, as per the PKNIC registry, were done in year 2017. Thus, the Complainant has rights in the trade name, trade mark, and domain names consisting of "HosterPK".*
- (ii) A domain name is nearly identical or confusingly similar to a complainant's mark when it fully incorporate[s] said mark. The infringing Domain Name incorporates the Complainant's registered trademark HosterPK & domain name in its entirety, and are identical to it.*
- (iii) The Complainant owns the domain name and the Respondent's domain name is derived by incorporating the Complainant's registered trademark/domain name in its entirety, to attract internet users and customers for commercial gain. Therefore, there is a likelihood of confusion, and in fact suggests that the infringing Domain Name refers to the Complainant or that the Respondent is associated with the Complainant, which is not the case and hence results in confusion and deception.*
- (iv) The Respondent's choice of the infringing Domain Name is a mala fide intentional attempt to take advantage of the established goodwill, reputation and market presence of the Claimant's trade name/domain. The Respondent chose to specifically use the Country-Code Top-Level Domain ".pk", clearly indicating its intent to create a visually similar name to the Claimant's trade name, for the purposes of deceiving the unwary purchaser and poaching the Claimant's customers. The Respondent's desire to mimic the Claimant's established trade name in bad faith, is also clear from its use of the full name "hosters.pk" in their logo, LinkedIn page name, Facebook page name and Google Business Profile, making it difficult for customers to differentiate between the Claimant and the Respondent and resulting in the likelihood of confusion and deception.*
- (v) The illegality and bad faith of the Respondent's acts is also obvious from its YouTube page, where it has depicted itself as "HostersPk" (without the dot between the word Hoster(s) and the letters PK).*

*Screenshots of Respondent's YouTube page - **Exhibit – 18***

- (vi) *The Complainant further submits that it has not licensed or otherwise permitted the Respondent to use its registered trademark "HosterPK". The Complainant has also not licensed or otherwise permitted the Respondent to apply for or use any domain name consisting of or incorporating the "HosterPK" mark.*
- (vii) *The infringing Domain Name is virtually identical, or at least confusingly similar to Complainant's domain name and trademark HosterPk, and previous Panels have ruled that "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from Complainant's site to Respondent's site" (WIPO Case No. D2012-1765, MasterCard International Incorporated ("MasterCard") v. Wavepass AS; WIPO Case No. D2006-1095, Edmunds.com, Inc. v. Triple E Holdings Limited).*

The Respondent has made the following submissions.

A. FAILURE TO ESTABLISH IDENTICAL OR CONFUSINGLY SIMILAR MARK

The Complainant fails the first element of the UDRP test:

- (i) *Generic Term Cannot Be Monopolized:*
- *"Hoster" is a generic/descriptive term in the web hosting industry*
 - *Article 7(1)(b) of Pakistan's trademarks Ordinance 2001 prohibits registration of generic terms*
 - *PKNIC Domain Registration Policy explicitly excludes generic terms from exclusive rights*
 - *WIPO jurisprudence consistently denies rights to generic terms (Exhibit F).*
- (ii) *No Confusing Similarity:*
- *"hosters" (plural) vs "hosterpk" (singular + pk) are distinct*
 - *Multiple Pakistani companies use "hoster" in domains (hoster.com.pk, webhoster.pk, etc.)*
 - *Complainant cannot claim exclusive rights to a generic industry term.*
- (iii) *Selective Enforcement:*
- *Complainant targets only the successful competitor (90K followers)*
 - *Ignores other "hoster" domains, proving bad faith selective enforcement.*

The Complainant asserts that the DDN is identical or confusingly similar to its "HosterPK" trademark, in which it claims established rights. The Complainant supports this assertion by referencing its common law use since 2009, its official registration in 2023, and established WIPO jurisprudence.

In line with WIPO Overview 3.0 (section 1.7), the test for confusing similarity involves a direct comparison between the textual elements of the Complainant's trademark and the DDN. The panel must assess whether the trademark is recognizable within the DDN.

The Panel first considers the Complainant's rights. The Complainant has submitted evidence of its trademark registration for "HosterPK" (registered in 2023) and common law use of the trade name since 2009. For the purposes of the first element of the Policy, possession of a registered trademark is sufficient to establish rights (WIPO Overview 3.0, section 1.2.1).

The Panel next turns to the comparison between the Complainant's "HosterPK" trademark and the DDN "hosters.pk". The Panel acknowledges the established principle (WIPO Overview 3.0, section 1.11.1) that the Top-Level Domain (TLD) is typically disregarded from the confusing similarity analysis. While this is often because it is a standard technical requirement, the Panel must apply the primary test from section 1.7, whether the trademark is recognizable within the DDN.

In this specific case, the Complainant's registered trademark is "HosterPK". The DDN, "hosters.pk", incorporates the dominant portion of the mark, "Hoster", with the minor addition of the plural letter "s". Past panels have consistently found that such minor variations do not prevent a finding of confusing similarity (*M/s Nalli Chinnasami Chetty v. Nalli's Silks Sari Centre* WIPO Case No. D2009-0664; *MasterCard International Incorporated v. Wavepass AS*, WIPO Case No. D2012-1765). Furthermore, the TLD ".pk" in the DDN is identical to the "PK" suffix of the Complainant's trademark. The presence of both a confusingly similar prefix ("hosters") and the identical suffix (".pk") makes the "HosterPK" trademark virtually identical to, and clearly recognizable within, the DDN "hosters.pk".

The Panel notes the Respondent's contention that the Complainant's trademark "HosterPK" is generic and should not have been registered. However, the validity of a trademark registration is not a matter for this Panel to assess. The Complainant has provided proof of the registration granted, which is sufficient to establish rights under the first element. Any challenge to the validity of the registration itself, on grounds of genericness or otherwise, must be brought before the relevant authority, such as the Trade Marks Registry or a competent court, and falls outside the scope of this proceeding. The Respondent's other arguments concerning third-party use are more appropriately considered under the second and third elements.

Based on this assessment, the Panel concludes that the DDN is confusingly similar to the Complainant's "HosterPK" trademark, in which the Complainant has established rights. The Complainant has thus satisfied the first element of paragraph 4(a) of the Policy.

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:

B. The Respondent has no rights or legitimate interests in respect of the Domain Names.

Policy, para. 4(a)(ii), Rules, para. 3(b)(ix)(2))

- a) The Complainant submits that there is no credible legitimate reason for the Respondent to have chosen to acquire and use the infringing Domain Name. The Respondent's purpose in selecting the said domain name was plainly to use the fame of the Complainant's registered trademark/domain name to generate web-traffic and to confuse internet users and customers searching for the Complainant and its famous suite of services.*
- b) In fact there has been instances where the Complainant's customers have ended up making payments to the Respondent being deceived into thinking that the Respondent's website is the Complainant's website offering the services.*

*Screenshots of communication – **Exhibit 19A & 19B***

- c) *Registration and use of the infringing Domain Name by the Respondent is neither bona fide nor a legitimate commercial or fair use of the same. The goodwill in the registered trademark/domain "HosterPK" rightfully belongs to the Complainant and has been improperly appropriated by the Respondent. The adoption by the Respondent of the infringing Domain Name is plainly designed to assist it in impersonating the Complainant. Such conduct cannot constitute a legitimate interest.*
- d) *The Complainant submits that when the Respondent registered the infringing Domain Name, it was aware of the Complainant's activities, and its domain name/website www.hosterpk.com. These facts establish a prima facie case that the Respondent has no right or legitimate interest in the infringing Domain Name and that pursuant to the Policy, the burden shifts to the Respondent to show that it does have a right or legitimate interests.*

The Respondent has made the following submissions.

B. RESPONDENT HAS LEGITIMATE RIGHTS AND INTERESTS

The Respondent clearly demonstrates legitimate rights:

i) Prior Use Rights:

- *2009 registration predates Complainant's 2019 existence by 10 years*
- *Continuous bona fide commercial use for 15+ years*
- *Impossible to infringe rights of a non-existent entity*

ii) Established Business Identity:

- *Known as "Hosters.PK" in the marketplace since 2009*
- *90,000 Facebook followers (10X more than Complainant)*
- *Superior customer ratings and market position*

iii) Good Faith Customer Relations:

- *documented WHMCS tickets showing transparency (Exhibit C)*
- *Systematic protocol: "we are a different company than hosterpk.com"*
- *Proactive measures to prevent any confusion*

The Complainant asserts that the Respondent has no rights or legitimate interests in the DDN arguing that the Respondent cannot demonstrate any of the circumstances set forth in Paragraph 4(c) of the Policy.

The Panel refers to Section 2.1 of the WIPO Overview 3.0, which clarifies that a complainant must first establish a *prima facie* case that the respondent lacks rights or legitimate interests. The Complainant's burden is often met by asserting that it has not licensed or otherwise permitted the Respondent to use its trademark. Once this *prima facie* case is made, the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating its rights or legitimate interests under Paragraph 4(c).

In this case, the Panel finds the Complainant has established its *prima facie* case. The Complainant has affirmed it gave no license or permission to the Respondent. More critically, the Complainant has submitted evidence (Exhibits 19A & 19B) alleging that the Respondent's use of the DDN has led to actual customer confusion, including mistaken payments. This shifts the burden to the Respondent.

The Respondent has submitted a rebuttal, claiming rights under paragraphs 4(c)(i) ("bona fide offering of goods or services") and 4(c)(ii) ("commonly known by the domain name"), asserting it has used the name since 2009. The Respondent also provided evidence (Exhibit C) of its protocol to inform confused customers that it is a separate entity. The Panel finds these submissions insufficient to demonstrate a legitimate interest. The Respondent's use of a confusingly similar DDN in the same field of business as the Complainant, which has demonstrably resulted in actual customer confusion, cannot be considered a *bona fide* offering per WIPO Overview 3.0, section 2.5.1. The Respondent's own evidence of a protocol to correct this confusion (Exhibit C) serves as an admission that such confusion is a recurring issue, which fundamentally undermines the claim of a good faith, non-infringing use.

The Panel therefore finds that the Respondent does not have any rights or legitimate interests in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

C. The Domain Names were registered and are being used in bad faith

(Policy, paras. 4(a)(iii), 4(b); Rules, para.3(b)(ix)(3))

- a) *The nature of services being provided by the Respondent overwhelmingly supports the conclusion that Respondent registered and is using the infringing Domain Name in bad faith. It is submitted that the Respondent's bad faith is further exemplified by the fact that they have*

registered the said domain name in 2017, which is subsequent to the adoption and use of the trade name/domain “HosterPK” by the Complainant in 2009. Even constructive knowledge of a famous mark such as “HosterPK” is sufficient.

- b) *The Respondent’s choice of domain name is not accidental and has clearly been made to derive unfair monetary advantage. The entire business activity of the Respondent is to deceive the trade and public by misrepresenting themselves as part of the Complainant’s company or to misrepresent that their activities have been authorised, approved or sponsored by the Complainant. The Respondent has wrongfully registered the infringing Domain Name to deceive consumers.*
- c) *The disputed domain name is virtually identical, or at least confusingly similar to Complainant’s registered trademark/domain name Hosterpk, and previous Panels have ruled that “a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from Complainant’s site to Respondent’s site” (WIPO Case No. D2012-1765, MasterCard International Incorporated (“MasterCard”) v. Wavepass AS; WIPO Case No. D2006-1095, Edmunds.com, Inc. v. Triple E Holdings Limited).*
- d) *Bad faith can be found where Respondent “knew or should have known” of Complainant’s domain name and trademark rights and, nevertheless registered a domain name in which it had no rights or legitimate interest (WIPO Case No. D2009-0320, Research In Motion Limited v. Privacy Locked LLC/Nat Collicot; WIPO Case No. D2009 0113, The Gap, Inc. v. Deng Youqian). It is implausible that Respondent was unaware of Complainant when it registered the infringing Domain Name.*

Firstly, Complainant is well-known throughout the web-hosting industry. Secondly, the composition of the infringing Domain Name, which entirely reproduce Complainant’s domain name and trademark HosterPk, which is a highly distinctive mark, confirms that the Respondent was aware of Complainant and its domain name and trademark. It clearly demonstrates that Respondent registered the infringing Domain Name based on the attractiveness of the Complainant’s domain name to divert internet traffic to its fake website. Prior panels have held that bad faith can be found where a domain name is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark suggests opportunistic bad faith (WIPO Case No. D2013-0091, LEGO Juris A/S v. store24hour; WIPO Case No. D2008-0226, Lancôme Parfums et Beauté & Cie, L’Oréal v. 10 Selling; WIPO Case No. D2006-0464, Caixa D’EstalvisI Pensions de Barcelona (“La Caixa”) v. Eric Adam). Given the reputation of the Complainant’s trademark and domain name, registration in bad faith can be inferred.

Thirdly, Complainant's domain name registration significantly predates the registration dates of the infringing Domain Name. In this regard, previous Panels have established that knowledge of Complainant's intellectual property rights, including trademarks, at the time of registration of the disputed domain name proves bad faith registration (WIPO Case No. D2008-0287, Alstom v. Domain Investments LLC, WIPO Case No. D2007 0077, NBC Universal Inc. v. Szk.com)

Under Section 2 of the ICANN Policy, it is established that when someone registers a domain name, he represents and warrants to the registrar that, to his knowledge, the registration of the domain name will not infringe the rights of any third party. It means that it was Registrant's duty to verify that the registration of the disputed domain name would not infringe the rights of any third party before registering said domain name (WIPO Case No. D2009-0901, Compagnie Gervais Danone contre Gueorgui Dimitrov / NETART; WIPO Case No. D2002 0806, Carolina Herrera, Ltd. v. Alberto Rincon Garcia; WIPO Case No. D2000 1397, Nike, Inc. v. B.B. de Boer). A search of HosterPk domain name would have revealed to Respondent the existence of Complainant and its domain name and trademark. Respondent's failure to do so is a contributory factor to its bad faith (WIPO Case No. D2008-0226, Lancôme Parfums et Beauté & Cie, L'Oréal v. 10 Selling). Even supposing that Respondent was not aware of the possibility of searching domain name or trademarks online before registering a domain name, a simple search via Google or any other search engine using the keyword "HosterPk" demonstrates that all first results relate to Complainant's services.

In this day and age of the Internet and advancement in information technology, the reputation of brands and trademarks transcends national borders. Taking into account the worldwide reputation of Complainant and its domain name and trademark, as well as the high level of notoriety of Complainant, it is hard to believe that Respondent was unaware of the existence of Complainant and its domain name and trademark at the time of registration of the infringing Domain Name. It is most likely to be believed that Respondent registered the infringing Domain Name based on the notoriety and attractiveness of the Complainant's domain name and trademark to divert internet traffic to its fraudulent website.

Finally, Complainant submits that given Complainant's goodwill and renown, and the nature of the infringing Domain Name, Respondent could simply not have chosen the said domain name for any reason other than to deliberately cause confusion amongst Internet users as to its source in order to take unfair advantage of Complainant's goodwill and reputation, which clearly constitutes bad faith. Hence, in view of the above-mentioned circumstances, it is inconceivable that Respondent did not have Complainant's domain name and trademark in

mind at the time of registration of the infringing Domain Name. Consequently, it is established that Respondent registered the infringing Domain Name in bad faith.

The Respondent has made the following submissions.

C. NO BAD FAITH REGISTRATION OR USE

The Respondent demonstrates complete absence of bad faith:

(i) Temporal Impossibility:

- *Cannot register in bad faith against entity that didn't exist (2009 vs 2019)*
- *Complainant's timeline contradiction exposes their bad faith*

(ii) YouTube Technical Limitation:

- *YouTube prohibits dots (.) in channel handles (Exhibit E-1)*
- *YouTube Channel established before registration of trademark*
- *@hosterpk was the only technically possible option*
- *Not evidence of bad faith but platform limitation*

(iii) Market Differentiation:

- *Different service offerings and price points*
- *Active clarification to confused customers*

The Panel addresses the Complainant's contention that the Respondent registered the DDN with knowledge of the Complainant's mark. The Complainant has established common law rights in its "HosterPK" trade name since 2009, which predates the Respondent's 2017 registration of the DDN. The Panel finds the Complainant's argument compelling that, given its established presence in the same industry and jurisdiction, the Respondent "knew or should have known" of the Complainant's rights at the time of registration (*Visible Technologies, Inc. v. Navigation Catalyst Systems, Inc.* WIPO Case No. D2007-1141) (*Research In Motion Limited v. Privacy Locked LLC/Nat Collicot*, WIPO Case No. D2009-0320). The Panel further agrees that a simple online search, would have revealed the Complainant's mark. A failure to do so, as noted in WIPO Overview 3.0, section 3.2.2, and section 3.2.3, can be considered willful blindness.

The Panel concurs with the Complainant that the circumstances outlined in Paragraph 4(b) of the UDRP Policy constitute evidence of bad faith registration and use.

In particular, the Complainant has effectively invoked Paragraph 4(b)(iv) of the Policy. Under this provision, a finding of bad faith is supported where the Respondent, by using the DDN, has

"intentionally attempted to attract, for commercial gain, Internet users to [its] web site... by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [its] web site."

The Panel has already determined that the DDN is confusingly similar to the Complainant's mark and that the Respondent has no legitimate interest in it, due in part to evidence of actual customer confusion (Exhibits 19A & 19B). This directly satisfies the elements of Paragraph 4(b)(iv). The Respondent's use of the confusingly similar name in the same business sector is a clear attempt to attract Internet users for commercial gain (see *Valero Energy Corporation, Valero Marketing and Supply Company v. Host Master, Njalla Okta LLC* WIPO Case No. D2025-1553). The resulting diversion of the Complainant's customers, as evidenced by the mistaken payments, is the precise harm this provision is designed to prevent. The Respondent's own contention that it must actively clarify its identity to confused customers further supports this finding.

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

7. Decision

Upon reviewing the contentions and information provided by the Parties, the Panel finds that the Complainant has established rights in the "HosterPK" mark and that the Respondent has no rights or legitimate interests in the DDN. Therefore, the continuous use of the DDN adversely impacts the exercise of the Complainant's trademark and common law rights and jeopardizes the reputation and goodwill of the Complainant by creating a likelihood of confusion regarding the source and ownership of the services.

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

1. The Respondent's registration of the DDN does not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is confusingly similar to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest 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 <hosters.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: Muhammad Amaan Latif
Sole Panelist Date: 08 November 2025