

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0033

Also in PDF C2025-0033

1. The Complainant

The Complainant is Hydronix Water Technology LLC, having its office at 8630 Rochester Ave. Rancho Cucamonga, California. 91730 U.S.A. The Complainant has initiated the Complaint through their authorized representative, Muhammad Bashir Abbasi, with their address at Abu Ghazaleh Intellectual Property Services Suite No. 604, 6th Floor, Anum Empire Shahrah-e Faisal-Karachi.

2. The Domain Name and Respondent

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

PKNIC has informed DNDRC that the DDN is registered by Farooq Omer, with their address 97-C OPF housing scheme near City Valencia; Lahore, and that the email address provided at the time of registration of the DDN is farooq@creativeon.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 19 May 2025.

DNDRC completed an administrative check of the Complaint on 22 May 2025 and informed the Complainant to fulfill their procedural requirements on 22 May 2025. The Complainant fulfilled the procedural requirements on 30 October 2025 whereas DNDRC had formally sought the Respondent’s registration details from PKNIC on 31 Oct 2025. PKNIC provided the requested details on 04 November 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 07 November 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 Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 27 November 2025. The arbitrator completed the review and issued a decision on 05 December 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 17 December 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:

FACTUAL GROUNDS:

- a) *The Complainant (which expression shall include its predecessors-in-title, either itself and/or through its affiliates, subsidiaries, licensees and/or distributors) is providing its customers with the best value products in the water filtration, purification, and separation industry. It strives to provide distributors and OEMs innovative, reliable, products, which exceed quality expectations, while maintaining price competitiveness.*
- b) *The Complainant expanded its activities by producing quality products from the United States to different jurisdictions around the world. In fact, Hydronix is not only the trademark but also an essential part of the Complainant's corporate name, which has become synonymous with the Complainant and its products around the world.*
- c) *The Complainant is committed to providing excellent goods to its customers and serves customers worldwide. As a result, Complainant's products are known by the public and the relevant industry as originating from the Complainant*

- d) *The Complainant's products have been offered worldwide under the Hydronix Mark. By virtue of such use, the Complainant's Hydronix Marks are recognized by the public at large in different parts of the world including in Pakistan. The Complainant's aim is to achieve and sustain full customer satisfaction by continuously improving the quality of its goods.*
- e) *The Hydronix Mark is exclusively associated with Complainant, and Complainant has acquired common law and statutory rights in the Hydronix Mark. Apart from the common law rights enjoyed by Complainant in the Hydronix Mark based on its use of the Hydronix Mark for the past 15 years, Complainant owns registrations for the in numerous countries around the world (see Exhibits 3 and 4). In Pakistan, the Complainant has registration of the mark under No. 656497; therefore the Complainant has prima facie exclusive prior rights to use the Hydronix Mark in Pakistan and elsewhere in connection with Complainant's products.*
- f) *Owing to Complainant's continuous and pervasive use of Hydronix Mark in commerce for almost 15 years, as well as the considerable time, effort, and money spent extensively promoting its products under the Hydronix Mark, it has immense goodwill and a valuable reputation around the world, including in Pakistan. Indeed, the Hydronix Mark is a famous and well-reputed trademark of the Complainant. In similar cases the Panels have consistently remarked upon the fame and distinctiveness of the marks See, e.g., Educational Testing Service v. S B, WIPO Case No. D2009-0600 (Jan. 07, 2009) (Panel found that Respondent could not have used the domain names in connection with a bona fide offering "[i]n light of Complainant's rights in its TOFEL and GRE marks) (attached as Exhibit 7); Educational Testing Service v. Domains by Proxy, Inc., Zhao Zhihui, Chen Keqing, WIPO Case No. D2008-0993 (Oct. 3, 2008) ("The TOEFL Marks and GRE Marks are well-known worldwide and in China.") (attached as Exhibit 8). The trademark Hydronix of the complainant is well reputed in USA and other parts of the world by virtue of use and registered in Pakistan and other jurisdictions. Therefore, precedents of earlier similar decisions would be relevant in the present case.*
- g) *In light of the exclusive association between the Hydronix Mark and Complainant's products in several countries, any unauthorized use of the Hydronix Mark in connection with similar goods and or services infringes the Hydronix Mark and is highly likely to deceive or confuse consumers that Complainant has sponsored or approved of those goods. The Hydronix Mark is known to consumers in the water filtration products and that when consumers see domain names incorporating the Hydronix Mark, it is likely they will believe the associated website will direct them to an authorized Hydronix Mark and/or Complainant's website with goods that complainant has approved.*

- h) Respondent, without permission or authorisation from Complainant, has secured a domain name registration for the Disputed Domain Name (see Exhibit 1), which consists solely of Complainant's Hydronix Mark in its entirety. Respondent's use of the Hydronix Mark in the Disputed Domain Name is, in itself, likely to cause confusion as to the source or sponsorship of Respondent's website because Complainant owns Hydronix domain names (see Exhibits 6). The domain name is top-level domains, like the Disputed Domain Name.*
- i) Respondent is engaged in the business of offering goods that are related to those covered by Complainant's Hydronix Mark. Further, Respondent is using Complainant's Hydronix Mark on the website at the Disputed Domain Name to advertise Hydronix products to which the Respondent is not authorized to use the trademark. In an effort to stop Respondent's illegal activities, Complainant sent a cease and desist letter to the Respondent on September 1, 2022, requiring the Respondent to cease the use of the Complainant's trademark and deactivate the Disputed Domain name and remove the Hydronix Mark from the website at the Disputed Domain, and immediately cease and permanently refrain from all infringing activities. A copy of the C&D letter is attached hereto as Exhibit 09. Respondent has not officially responded to Complainant's correspondence.*
- j) To stop the illegal use of the Complainant's trademark HYDRONIX a civil suit has been filed by the Complainant in the IP Tribunal Lahore vide Suit No. 107 IPT of 2025 wherein the Honorable Court has granted ad-interim injunction against the Defendant. A certified copy of the order-dated 14 April 2025 is attached and marked as Exhibit 10.*
- k) Thus, Respondent continues to maintain the domain name registration for the Disputed Domain Name (see Exhibit 1) and continues to offer its goods under the Hydronix Mark on the website at the Disputed Domain Name. These activities infringe Complainant's exclusive rights in the Hydronix Mark and are likely to mislead the general public that Respondent's use of the Disputed Domain Name, as well as the offering of goods on the corresponding website, is authorised or controlled by Complainant or persons having a business connection with Complainant, which is not the case.*

Therefore, the Complainant seeks the following remedy:

In accordance with ICANN Policy, paragraph 4(i), and PICNIC - Internet Domain Registration Policy, paragraph 4, for the reasons described in paragraph 8 above, Complainant requests the Administrative Panel appointed in this administrative

proceeding issue a decision that the Disputed Domain Name be transferred to Complainant.

(b) Respondent

The Respondent did not make a submission.

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:

*Complainant owns exclusive rights worldwide in the trade mark HYDRONIX WATER TECHNOLOGY (the "HYDRONIX WATER TECHNOLOGY Mark"). A list of the countries where the HYDRONIX WATER TECHNOLOGY and HYDRONIX (hereinafter collectively referred to as FIYDRONIX Mark) are registered is attached hereto as **Exhibit 3**. Complainant owns several registrations for the HYDRONIX Mark in several countries around the world, including Pakistan. Attached hereto as **Exhibit 4** are photocopies of certificates of a random selection of Complainant's registrations for the HYDRONIX Mark. Attached hereto as **Exhibit 5** is a copy of the certificate of registration of the HYDRONIX WATER TECHNOLOGY Mark in Pakistan.*

ANNEXURE A

EXHIBIT 3

REGISTERED

- A/1. HYDRONIX WATER TECHNOLOGY - International Registration - Reg. No. 1683106.
- A/2. HYDRONIX WATER TECHNOLOGY - European Union - Reg. No. 1683106.
- A/3. HYDRONIX WATER TECHNOLOGY - Brazil - Reg. No. 1683106.
- A/4. HYDRONIX WATER TECHNOLOGY - Japan - Reg. No. 1683106.
- A/5. HYDRONIX WATER TECHNOLOGY-Mexico - Reg. No. 1683106.
- A/6. HYDRONIX WATER TECHNOLOGY - Republic of Korea - Reg. No. 1683106.
- A/7. HYDRONIX WATER TECHNOLOGY - Cyprus - Reg. No. 1683106.
- A/8. HYDRONIX WATER TECHNOLOGY - Colombia - Reg. No. 1683106.
- A/9. HYDRONIX WATER TECHNOLOGY - India - Reg. No. 5401647.
- A/10. HYDRONIX WATER TECHNOLOGY - Peru (registration not provided)
- A/11. HYDRONIX (word mark) - United States - Reg. No. 6136239.

- A/12.  (Design) - United States - Reg. No. 5877997.
- A/13. HYDRONIX - Taiwan - Reg. No. 1642805.
- A/14. HYDRONIX WATER TECHNOLOGY - United States - Reg. No. 7411196.
- A/15. HYDRONIX WATER TECHNOLOGY - Pakistan - Reg. No. 656497.

PENDING APPLICATIONS

HYDRONIX WATER TECHNOLOGY - Canada, China, Great Britain, Algeria, New Zealand, Vietnam

D. The Disputed Domain Name vis-à-vis Respondent contravenes the provisions of the Policy Agreement [which is a part of the domain registration form] and the PKNIC - Internet Domain Registration Policy, as amended lately on 7 August 2007, ver. 4.2 [which is incorporated by reference into the PICNIC Policy Agreement].

- 1) *(1) The unauthorised adoption, use and registration by Respondent of the Disputed Domain Name (which consists of Complainant's registered and famous Hydronix Mark) constitute, inter alia, the actionable wrongs of infringement, passing-off and unfair competition. By such adoption and use of the Disputed Domain Name, Respondent infringes Complainant's exclusive rights in the Hydronix Mark in Pakistan, and also passes off its respective business, website, and domain name as a source of authorized Hydronix products. In doing so, Respondent unfairly competes with Complainant's business and infringes Complainant's rights in the Hydronix Mark. Moreover, through such registration or use of the Disputed Domain Name, Respondent intends to mislead the general public, especially students, into believing that Respondent's Disputed*

Domain Name and website is authorised or controlled by Complainant or persons having a business connection with Complainant, which is not the case.

- 2) *(2) The unauthorised adoption, registration and use by Respondent of the Disputed Domain Name further falls within the prohibition of the provisions of the Trade Marks Ordinance 2001 and the Pakistan Penal Code 1860, including, in particular, sub-section (6) of section 40 of the Trade Marks Ordinance 2001; clause (1) of paragraph 4 of Third Schedule to the Trade Marks Ordinance 2001; and sections 480, 481, 482, 483, 485 and/or 486 of the Pakistan Penal Code 1860. The text of these provisions is attached hereto as Exhibit 17. Furthermore, in this regard, Complainant relies on the analysis and findings of the DNDRC Panel in Standard Chartered PLC v. Hosting Campus Domain, DNDRC Case No. C2007-0001 (Aug. 30, 2007) (attached as Exhibit 18).*
- 3) *(3) In view of the above, there is no doubt that the adoption, registration, and use of the Disputed Domain Name contravenes the provisions of the Policy Agreement and the PKNIC Internet Domain Registration Policy (attached hereto as Exhibits 19 and 20 respectively), which provide inter alia that:*
 - (a) The applicant for registration of a domain name at the time of making the application expressly represents, agrees and warrants as follows:*
 - ◆ *applicant's statements in the application are true and the applicant has the right to use the domain name as requested in the application;*
 - ◆ *applicant has a bona fide intention to use the domain name on a regular basis on the Internet;*
 - ◆ *the use or registration of the domain name by the applicant does not interfere with or infringe the right of any third party in Pakistan, with respect to trade mark, service mark, trade name, company name or any other intellectual property right; and*
 - ◆ *applicant is not seeking to use the domain name for any unlawful purpose, including, without limitation, tortious interference with contract or prospective business advantage, unfair competition, injuring the reputation of another, or for the purpose of confusing or misleading a person, whether natural or incorporated.*

- b) The applicant of a domain name at the time of making the application certifies that, to his or her knowledge, the use of the domain name does not violate trademark or other statutes.*
- 4) *It will be noted that the DNDRC Panel in the above-mentioned case (see **Exhibit 16**) has found that if a complainant simply establishes that the respondent's domain name infringes upon the complainant's registered trade name or trade mark, this renders the respondent's domain name illegal, unlawful and invalid and further constitutes an adequate ground for compulsory transfer of the domain name to the complainant.:*

The Respondent has not made any submissions.

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 - Exhibit 5) of its valid and subsisting registration for the marks 'HYDRONIX WATER TECHNOLOGY' and 'HYDRONIX' in multiple jurisdictions, including Pakistan. Specifically, the Panel notes Item A/15 in Exhibit 3, which confirms the registration of 'HYDRONIX WATER TECHNOLOGY' in Pakistan under Reg. No. 656497.

While the Panel recognizes the Complainant's established trademark rights in 'HYDRONIX' and its associated logo (as seen in Item A/12 of Exhibit 3), it relies on the submissions to determine the scope of these rights within the local jurisdiction. The Complainant has successfully demonstrated a global presence, listing registrations in regions such as the European Union, Brazil, Japan, and the United States, etc., which reinforces the reputation of the mark.

In light of the absence of arguments from the Respondent to refute these registrations, and 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 Disputed Domain Name is identical or confusingly similar to the trade mark in which the Complainant has rights [ICANN Policy, para. 4(a)(i); ICANN Rules, para. 3(b)(ix)(1)].*
- 1) *The facts and evidence provided in paragraphs 7 and 8(a) to (k) above clearly demonstrate that the Hydronix Mark is the exclusive property of Complainant, which has the prima facie prior registered right to use the Hydronix Mark in relation to its goods in several parts of the world, including in Pakistan.*
 - 2) *The Disputed Domain Name, exclusive of the extension, consists solely of the Hydronix Mark, which is the registered trademark of Complainant in several part of the world and in Pakistan. As stated by the WIPO Panel in Dr. Ing. H.c.F. Porsche AG v. Vasiliy Terkin, WIPO Case No. D2003-0888 (Jan. 6, 2004) (attached as Exhibit 11), a domain name that wholly incorporates a complainant's registered trade mark is sufficient to establish confusingly similarity. See also Educational Testing Service v. Educational Training Services, Sonny Pitchumani, Randal Nelson and MLI Consulting, Inc., WIPO Case No. D2004-0324 (June 18, 2004) ("Previous panels have held that if a domain name incorporates a complainant's mark in its entirety, it is confusingly similar to that mark despite the addition of other words.") (attached as Exhibit 12).*
 - 3) *Complainant shall furnish decisions rendered by the WIPO Panel in support of its case during the course of hearing (if appointed) to substantiate its claim.*
 - 4) *Based on the above, there can be no doubt that the Disputed Domain Name is identical and/or confusingly similar to the Hydronix Mark in which Complainant has prior exclusive rights.*

The Respondent has not made any submissions.

The Complainant asserts that the DDN is identical or confusingly similar to its "HYDRONIX" trademark, in which it claims established rights. The Complainant supports this assertion by referencing its valid registrations in Pakistan and worldwide (Exhibits 3-5), and by citing established WIPO jurisprudence regarding domain names that wholly incorporate registered trademarks.

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 clear evidence of its trademark registration for "HYDRONIX" and "HYDRONIX WATER TECHNOLOGY" in Pakistan and numerous other jurisdictions. 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 trademarks and the DDN "hydronixwater.com.pk". The Panel acknowledges the established principle (WIPO Overview 3.0, section 1.11.1) that the Top-Level Domain (TLD) and Second-Level Domain (SLD) extensions are 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 trademarks are "HYDRONIX" and "HYDRONIX WATER TECHNOLOGY". The DDN, "hydronixwater.com.pk", incorporates the "HYDRONIX WATER" mark in its entirety. Moreover, when compared to the "HYDRONIX WATER TECHNOLOGY" mark, the DDN incorporates the dominant and distinctive portions, "HYDRONIX" and "WATER", merely omitting the generic term "TECHNOLOGY". As correctly identified by the Complainant, past panels have consistently held that if a domain name incorporates a complainant's mark in its entirety, it is confusingly similar to that mark (*Dr. Ing. H.c.F. Porsche AG v. Vasiliy Terkin*, WIPO Case No. D2003-0888; *Educational Testing Service v. Educational Training Services et al.*, WIPO Case No. D2004-0324). Therefore, the "HYDRONIX" trademark is clearly recognizable within the DDN.

The Panel notes that the Respondent has not made any submissions to contest the Complainant's assertions or rights and based on this assessment, the Panel concludes that the DDN is confusingly similar to the Complainant's "HYDRONIX WATER TECHNOLOGY" trademark, in which the Complainant has established rights. The Complainant has therefore 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 Disputed Domain Name [ICANN Policy, para. 4(a)(ii). 4(c); ICANN Rules, para. 3(b)(ix)(2)].

- a) Pursuant to ICANN Policy, sub-paragraph 4(c), Respondent may only show rights in the Disputed Domain Name by its (1) use or preparations to use the domain name in connection with a bona fide offering of goods prior to notice of the dispute; (2) being commonly known by the domain name; or (3) use of the Disputed Domain Name for legitimate purposes that are non-commercial or which qualify as fair use. Respondent fails on all counts as discussed below;*
- b) Complainant has never authorized, licensed, or consented to Respondent's registration or use of the Disputed Domain Name. Respondent also has no affiliation with Complainant.*
- c) Registration Complainant further believes that Respondent has never been known by the Disputed Domain Name nor has it ever been known by the Hydronix Mark or any other name containing the word "Hydronix." Indeed, Respondent's website of disputed domain name confuse the public that it is authorized website of the Complainant, the owner of Hydronix Mark.*
- d) Respondent furthermore has misappropriated the Hydronix Mark and copyrighted materials owned by Complainant. Thus, Respondent has not used the Disputed Domain Name to make a bona fide offering of any goods or services other than to take undue advantage of the goodwill and reputation of Complainant.*
- e) Respondent is clearly not making any non-commercial or fair use of the Disputed Domain Name. Respondent is using the Disputed Domain Name (which consists of Complainant's famous Hydronix Mark in its entirety) to intentionally attempt to attract the general public,*

including Complainant's customers, to Respondent's website by creating a likelihood of confusion with the Hydronix Mark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name by Complainant. As a result, Respondent's use cannot constitute a fair or non-commercial use.

The Respondent has not made any submissions.

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 that it has never authorized, licensed, or consented to the Respondent's registration or use of the DDN, and that the Respondent has no affiliation with the Complainant.

Since the Respondent has not made any submissions, it has failed to rebut the Complainant's *prima facie* case. The Panel notes that there is no evidence that the Respondent has been commonly known by the DDN or the name "Hydronix Water," nor that it is making a legitimate non-commercial or fair use of the domain.

The Panel specifically considers the composition of the DDN, as established in WIPO Overview 3.0 (Section 2.5.1), even where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship by the trademark owner. Here, the term "water" which directly describes the Complainant's core business (Water Technology) to the trademark "HYDRONIX" carries a high risk of implied affiliation. It suggests to Internet users that the website is officially sponsored by or affiliated with the Complainant.

Furthermore, the Complainant has submitted that the Respondent is using the DDN to confuse the public into believing it is an authorized website. As per WIPO Overview 3.0, use of a domain name that is confusingly similar to a complainant's trademark to take undue advantage of its goodwill prevents a finding of a bona fide offering of goods or services.

For these reasons, the Panel finds that the Respondent has failed to rebut the Complainant's prima facie case. The lack of any authorization, combined with the high risk of implied affiliation created by the specific wording of the DDN, precludes a finding of any legitimate interest.

The Panel therefore concludes 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 Disputed Domain Name was registered and is being used in bad faith [ICANN Policy, paras. 4(a)(iii), 4(b): ICANN Rules, para. 3(b)(ix)(3)].*

- 1) *ICANN Policy, sub-paragraph 4(b)(iii), allows a finding of bad faith if the registration is primarily for the purpose of disrupting the business of a competitor. Respondent's action in registering the Disputed Domain Name is likely to deprive Complainant of "the chance to be contacted by prospective customers," which suggests bad faith. See SGS Société Générale de Surveillance S.A. v. Inspectorate, WIPO Case No. D2000-0025 (Mar. 17, 2000) (attached as Exhibit 13). Respondent is using the Disputed Domain Name to operate a website where Respondent uses the Hydronix Mark without authorization in connection with Respondent's goods, constituting unlawful "passing off" in Pakistan. As noted, Respondent is not an authorized licensee of Complainant. Accordingly, a customer who views the website, sees the description of Hydronix Mark featured on the website or the link to Hydronix's website, believes that Respondent has an association with Complainant or its affiliates based on its registration and use of a domain name that prominently and repeatedly uses the Hydronix Mark and distributes Hydronix products. The offering of the products under the disputed domain name in competition with Complainant and the distribution of infringed goods disrupts Complainant's business.*
- 2) *ICANN Policy, sub-paragraph 4(b)(iv), also allows a finding of bad faith where the respondent intentionally attempts to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or products or services on the website. Respondent's registration of the Disputed Domain Name infringed Complainant's rights in the Hydronix Mark, as the Disputed Domain Name contains the Hydronix Mark in its entirety and is used for commercial*

gain in offering goods that are related to those offered by Complainant. When Respondent acquired the Disputed Domain Name, it had constructive knowledge of the Hydronix Mark via Complainant's trademark registrations in Pakistan (as well as in numerous other countries around the world) and due to the fame of the Hydronix Mark in various parts of the world. The use of Hydronix Mark further creates a likelihood of confusion that Complainant is the source of or endorses Respondent's website or the goods offered on the website. Notwithstanding this knowledge and complete lack of authorization, Respondent intentionally registered the Disputed Domain Name containing the famous Hydronix Mark, without authorization, for infringing purposes and to attempt to attract users to its website for commercial gain. As stated by the WIPO Panel in Kraft Foods (Norway) v. Fredrik Wide and Japp Fredrik Wide, WIPO Case No. D2000-0911 (Sep. 23, 2000) (attached as Exhibit 14), the fact "that the Respondent chose to register a well-known mark to which he has no connections or rights indicates that he was in bad faith when registering the domain name at issue." See also Red Bull GmbH v. Harold Gutch, WIPO Case No. D2000-0766 (Sep. 21, 2000) (attached as Exhibit 15) (finding the respondent's use of a domain name incorporating complainant's mark would lead visitors to believe that the domain name was affiliated with the complainant, thereby making the registration alone equal to use in bad faith). Upon receipt of Complainant's cease and desist letter, Respondent should have discontinued its use of the Disputed Domain Name and transferred the Disputed Domain Name to Complainant and/or deactivated the domain name. However, Respondent has failed to officially respond or acknowledge complainant's communications. This failure further supports an inference of bad faith. Giorgio Armani S.p.A. Milan Swiss Branch Mendrisio v. Lizhen Ye, WIPO Case No. D2013-0808 (June 23, 2013) ("[A] (attached as Exhibit 16) according to previous UDRP decisions, the failure of the Respondent to respond to the letter of demand from the Complainant may further support[] an inference of bad faith."). Respondent's use of the Disputed Domain Name is evidence of, and establishes that, the Disputed Domain Name has been registered and is being used in bad faith.

The Respondent has not made any submissions.

The Panel addresses the Complainant's contention that the Respondent registered the DDN with knowledge of the Complainant's mark. The Complainant has established registered rights in its "HYDRONIX WATER" trademark (Exhibit 3-5) in Pakistan and globally, creating a constructive notice of rights.

The Panel finds the Complainant's argument compelling that, given the specific combination of the famous mark "HYDRONIX" with the industry-specific term "WATER," the Respondent "knew or should have known" of the Complainant's rights at the time of registration. The Panel

agrees that a simple online search would have revealed the Complainant's mark. A failure to do so, or proceeding despite such knowledge, as noted in WIPO Overview 3.0, section 3.2.2, is indicative of bad faith (*Kraft Foods (Norway) v. Fredrik Wide and Japp Fredrik Wide*, WIPO Case No. D2000-0911).

The Panel concurs with the Complainant that the circumstances outlined in Paragraph 4(b) of the 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. The Respondent's use of the "HYDRONIX WATER" mark in its entirety creates an immediate impression of affiliation. By offering related goods or "passing off" unauthorized products under this domain, the Respondent is engaging in a clear attempt to attract Internet users for commercial gain by capitalizing on the Complainant's reputation (*Red Bull GmbH v. Harold Gutch*, WIPO Case No. D2000-0766). This conduct also supports the Complainant's claim under Paragraph 4(b)(iii), as such usage disrupts the business of a competitor by depriving them of prospective customer contact.

The Panel also notes the Respondent's failure to respond to the Complainant's cease and desist letter or to this Complaint. As cited by the Complainant, previous UDRP panels have held that the failure to respond to a letter of demand may support an inference of bad faith (*Giorgio Armani S.p.A. Milan Swiss Branch Mendrisio v. Lizhen Ye*, WIPO Case No. D2013-0808). In the absence of any explanation from the Respondent, the Panel infers that there is no good faith basis for the registration.

Considering the cumulative circumstances, the Panel finds that the Respondent registered and is using the DDN in bad faith pursuant to Paragraph 4(b), particularly Paragraphs 4(b)(iii) and 4(b)(iv).

Accordingly, the Panel concludes that the DDN was registered and is being used in bad faith.

7. Decision

Upon reviewing the contentions and information provided by the Parties, the Panel finds that the Complainant has established rights in the "hydronixwater.com.pk" 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 <hydronixwater.com.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.

The Respondent may request a review of this decision within thirty (30) days from the date of this decision, in accordance with Rule 13 of the Supplemental Rules. The Respondent may seek leave to appeal this decision within sixty (60) days from the date of this decision, in accordance with Rule 17 and 18 of the Supplemental Rules.

Arbitrator: Muhammad Amaan Latif

Sole Panelist

Date: 05 December 2025