

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2026-0008

Also in PDF C2026-0008

1. The Complainant

The Complainant is HPK (Pvt) Ltd, having its office at Office No. 208, 2nd floor, Evacuee Trust Complex, Aga Khan Road, F-5/1, Islamabad. The Complainant has initiated the complaint via their authorized representative, Mr. Israr ul Haq, Director HPK (Pvt) Ltd, having their office at Office No. 208, 2nd floor, Evacuee Trust Complex, Aga Khan Road, F-5/1, Islamabad and Dr. Ammara Farooq Malik, Legal Representative of HPK (Pvt) Ltd, along with Amal Farooq Malik, having their office at AF Malik Law (Attorneys & International Developments Consultants) 20-X Commercial, Phase 3, DHA, Lahore.

2. The Domain Name and Respondent

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

PKNIC has informed DNDRC that the DDN is registered by Zeeshan Mudassar with the business name being, Pakistan IT Solutions, with their address at FF5 Commercial Center Near Bank of Punjab Ravi Block DC Colony Rahwali, Cantt, Gujranwala, and that the email address provided at the time of registration of the DDN is sales@hoster.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 9 December 2025. An administrative review of the Complaint was conducted and completed on 12 December 2025, following which the Complainant was notified of the compliance review's completion and the subsequent procedural requirements on the same day.

Upon the Complainant's fulfillment of the procedural requirements on 5 January 2026, DNDRC formally requested the Respondent's registration details from PKNIC on 13 March 2026. PKNIC provided the requested details on 16 March 2026.

DNDRC issued a formal notification of the dispute to the Respondent on 16 March 2026, 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 25 March 2026.

The Complaint along with all relevant materials was referred to the appointed arbitrator for review and decision on 27 March 2026. The arbitrator completed the review and issued a decision on 6 April 2026. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 9 April 2026.

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) Complainant's trademark registration:

The Complainant is the registered proprietor of the trademark "HosterPK" in Pakistan under the Trademarks Ordinance, 2001. The following are the relevant details of the said registration:

Trademark	Registration No.	Registration Date	Class
	692415	18.01.2023	42

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; 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 Security; Software Featuring Training 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.

*Trademark Registration Certificate for "HosterPK" - **Exhibit – 3***

a) The DDN is the subject of this Complaint which is being instituted on account of misappropriation of the Complainant's registered TM/DN 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 <hosterpk.com> 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***

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 core business under the Complainant's registered TM/DN 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) Since 2009, the Complainant, under its registered TM/DN 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 TM/DN 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 TM/DN through Google Ads and incurred substantial expenditure in doing so, wherefore the Complainant's registered TM/DN 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_transparen

i) On 18 January 2023, the Complainant also had 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 TM/DN 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-breach_hacker-arrested-for-leaking-private-data/*
- (ii) <https://propakistani.pk/2008/10/30/web-hosting-providers-in-pakistan-review/>*
- (iii) <https://www.godaddy.com/resources/asia/skills/website-cost-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 see: <https://ahrefs.com/website-authority-checker/?input=HOSTERPK.COM>.

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.*
- According to the Google Organic Search Traffic Report (GA4), 11,700 customers visit HosterPK.com website per month. This 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 recently filed two complaints against the Respondent before the DNDRC in respect of the Respondent's infringing domain names <hosters.pk> and <hoster.pk>. Upon completion of the due process, both the said complaints were accepted in favour of the Complainant. Reference is made to DNDRC decisions in Case No.2025-0030 & Case No.2025-31.

m) On 25 November 2025 (a day after the afore-said DNDRC decision in Case No.2025-0030 was intimated to the Complainant and the Respondent on 24 November 2025), the Respondent acquired the DDN and moved its website onto the said DDN, offering services to the public at large through the said website. The DDN as well as the services offered under it by the Respondent are identical to the Complainant's registered TM/DN and services respectively. It is also obvious from the thehoster.pk website that the Respondent illegally continues to use the "hoster.pk" logo on the said website.

*Screenshot of www.thehoster.pk - **Exhibit - 15A***

*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. The Respondent's said application is, in any case, not in respect of "thehoster.pk". 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 TM/DN which has been unauthorizedly copied by the Respondent and registered as the DDN 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 DDN <thehoster.pk> be revoked/cancelled and the said domain name be transferred to the Complainant.

(b) Respondent

The Respondent, Pakistan IT Solutions (Pvt) Ltd, is a legitimate web hosting company that has been operating in Pakistan since 2009 - over 16 years. The Respondent registered the domain <thehoster.pk> for the bona fide purpose of conducting its established web hosting business. The domain is currently live and actively serving customers in Pakistan and abroad.

The word "hoster" is a generic and descriptive English term commonly used in the web hosting industry to denote a provider of hosting services. The Complainant's attempt to monopolize every domain name containing the word "hoster" through serial DNDRC complaints is legally untenable and constitutes an abuse of the dispute resolution process.

The Complainant fails to satisfy any of the three mandatory elements under Paragraph 4(a) of the UDRP Policy. The Respondent will address each element below.

Therefore, the Respondent seeks the following remedy:

- (a) Dismissal of the Complaint in its entirety;*
- (b) Retention of the domain name <thehoster.pk> by the Respondent;*
- (c) A finding of Reverse Domain Name Hijacking (RDNH) against the Complainant, HPK (Pvt) Ltd, under Rule 15(e) of the UDRP Rules, declaring that this Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.*

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 DN 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

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

- I. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
- II. Legitimate interest in the domain name (a UDRP criteria).
- III. Registration and use of the domain name in bad faith (a UDRP criteria).

I. 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 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 had 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 DDN which, as per the PKNIC registry, is 25 November 2025. Thus, the Complainant has rights in the trade name, trade mark, and domain names consisting of "HosterPK".

b) A domain name is nearly identical or confusingly similar to a complainant's mark when it fully incorporate[s] said mark. The DDN incorporates the Complainant's registered TM/DN in its entirety, and are identical to it.

c) In view of the fact that the Respondent registered the DDN and moved its website thereon after the DNDRC's afore-stated decision in Case No.2025-0030 establishes the Respondent's mala fide adoption of the DDN. The Respondent is bent upon adopting a domain name which has the word 'hoster' in it as well as the TLD 'pk' so as to portray to the public at large that

it owns the domain name/website having 'hoster' and 'pk' in it. In other words, if the Respondent cannot be allowed to use 'hoster.pk', it has unlawfully created another domain name thehoster.pk and have started illegally using it. The ill intent and bad faith of the Respondent is clear from this unlawful adoption, registration and use of the DDN.

d) The Complainant owns the domain name <hosterpk.com> and the Respondent's domain name <thehoster.pk> is derived by incorporating the Complainant's registered TM/DN 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 DDN 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.

e) The Respondent's choice of the DDN is a mala fide intentional attempt to take advantage of the established goodwill, reputation and market presence of the Claimant's registered TM/DN. 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 registered TM/DN, for the purposes of deceiving the unwary purchaser and poaching the Claimant's customers. The Respondent's desire to mimic the Claimant's established registered TM/DN and trade name in bad faith, is also clear from its use of the full name "hoster.pk" in its 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.

f) The illegality and bad faith of the Respondent's acts is also obvious from its YouTube page, where it has depicted itself as "HosterPk" (without the dot between the word Hoster(s) and the letters PK).

Screenshots of the Respondent's YouTube page- Exhibit- 18

g) The Complainant has not licensed or otherwise permitted the Respondent to use its registered TM/DN "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 "Hoster" or "HosterPK" mark.

h) The DDN is virtually identical, or at least confusingly similar to Complainant's registered TM/DN, 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.

(i) The Complainant's trademark is a composite mark, not a word mark for "hoster"

The Complainant's trademark registration (No. 692415, dated 18 January 2023, Class 42) is for the composite mark "HosterPK" which includes a stylized logo and the tagline "Pakistan's #1 Web Hosting & Domains Provider." It is not a registration for the generic English word "hoster" in isolation. The scope of protection of a composite/device mark is limited to the mark as a whole, not to individual generic components within it.

(ii) "TheHoster" and "HosterPK" are materially different

-The disputed domain <thehoster.pk> uses the phrase "The Hoster" combining the English definite article "the" with the generic word "hoster." The Complainant's mark is "HosterPK" combining "hoster" with the country abbreviation "PK." These are structurally, phonetically, and conceptually different formations. "TheHoster" suggests a generic reference to a hosting provider, whereas "HosterPK" is a specific brand identifier combining a service descriptor with a geographic suffix. The two are sufficiently distinct so as to reduce any likelihood of confusion among reasonably informed users.

(iii) "Hoster" is a generic/descriptive term that cannot be monopolized

The word "hoster" is a common English term derived from "host" + the agent suffix "-er", meaning "one who hosts." It is widely used across the global web hosting industry. In Pakistan, multiple companies use variations of this term in their domain names and business names, including but not limited to webhoster.pk and other hosting providers. Under well-established UDRP jurisprudence, generic or descriptive terms are not entitled to the same scope of protection as distinctive marks. See: Gordon Sumner p/k/a Sting v. Michael Urvan (WIPO Case No. D2000-0596), where the panel held that a common dictionary word registered as a domain could not be found confusingly similar to a trademark where the word has generic meaning.

The Complainant cannot claim exclusive rights over a dictionary word that describes an entire category of service providers. To allow such a claim would effectively prevent all hosting companies from using the word "hoster" in any form, which is contrary to the principles of fair competition and trademark law under the Pakistan Trade Marks Ordinance, 2001.

The Complainant has established rights in the trademark "HosterPK." These rights arise from (i) long-standing use of the mark since 2009, (ii) formal adoption and registration with the Federal Board of Revenue in 2010, and (iii) trademark registration in Pakistan in 2023 for a logo which incorporates the term "HosterPK" (Reg. No. 692415). The Complainant also owns and operates domain names incorporating the mark, including hosterpk.com.

The Complainant's rights predate the registration of the disputed domain name ("DDN"), which, according to the PKNIC registry, was registered on 25 November 2025. Accordingly, the Complainant has established prior rights in the term "HosterPK" for the purposes of this analysis.

The test under the first element is a low threshold test focused on a side-by-side comparison of the mark and the disputed domain name, disregarding the generic Top-Level Domain (ccTLD) such as “.pk”. The disputed domain name, <thehoster.pk>, incorporates the dominant element “hoster”, which is the primary and distinctive component of the Complainant’s mark which incorporates the term “HosterPK”.

The addition of the definite article “the” does not materially alter the overall impression of the domain name. Under established UDRP jurisprudence and reflected in WIPO Overview 3.0, Sections 1.7 and 1.8, where a domain name contains the entirety or a recognizable part of a trademark, confusing similarity is generally found. Here, the DDN contains the dominant element of the Complainant’s mark in its entirety (“HosterPK”), with only minor additions that do not prevent a finding of similarity.

The ccTLD “.pk” is generally disregarded for the purposes of assessing confusing similarity and does not prevent such a finding. In the present case, however, it reinforces the similarity. Once the non-distinctive definite article “the” is disregarded, the disputed domain name effectively reduces to “hoster.pk,” which closely mirrors the dominant elements of the Complainant’s trademark “HosterPK.” This results in a high degree of visual and conceptual similarity.

The Respondent argues that “Hoster” is a generic or descriptive term, that the marks “HosterPK” and “thehoster” are structurally and conceptually different, and that the Complainant cannot monopolize the term “hoster.”

These arguments are misplaced at the first element stage. Under the WIPO Overview 3.0, the threshold test for confusing similarity does not involve an assessment of trademark strength, descriptiveness, or rights in the underlying dictionary term. Such arguments are properly considered under the second and third elements (rights or legitimate interests and bad faith), not under the first element.

Panels have consistently held that even if a term is descriptive or dictionary-based, confusing similarity is still established where the mark is recognizable within the domain name. Panels have also found that the inclusion of additional descriptive or generic terms (e.g., “the”) does not prevent a finding of confusing similarity. Thus, the Respondent’s reliance on the generic nature of “hoster” does not negate the finding that the DDN incorporates the Complainant’s mark in a manner that is sufficient to satisfy the first element (Section 1.8 of the WIPO Overview 3.0).

Given that the DDN incorporates the dominant element of the Complainant’s mark and that both parties operate in the same industry (web hosting services) and that the overall impression created by the DDN is closely associated with the Complainant’s mark, there is a clear likelihood that internet users may believe that the disputed domain name is affiliated with, endorsed by, or

connected to the Complainant. As established in prior UDRP decisions (e.g., cases cited by the Complainant), the incorporation of a trademark into a domain name is sufficient to create a presumption of confusing similarity and a risk of diversion of internet traffic.

For the reasons set out above, the disputed domain name <thehoster.pk> is confusingly similar to the Complainant's trademark, the dominant part of which is "HosterPK". The first element of the Policy is therefore satisfied.

II. Legitimate interests in a domain name

Under 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(c) 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:

(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 register and use the DDN. The Respondent's purpose in selecting the said domain name is plainly to use the fame of the Complainant's registered TM/DN 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 DDN by the Respondent is neither bona fide nor a legitimate commercial or fair use of the same. The goodwill in the Claimant's registered TM/DN rightfully belongs to the Complainant and has been improperly appropriated by the Respondent. The adoption by the Respondent of the DDN 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 DDN, it was aware of the Complainant's activities, and its domain name/website www.hosterpk.com. This is also strengthened by the fact that the DDN was registered on 25 November 2025, which is a day after the afore-said DNDRC decision in Case No.2025-0030 was intimated to the Complainant and the Respondent on 24 November 2025. These facts establish that the Respondent has no right or legitimate interest in the DDN 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.

(i) Bona fide business operations since 2009

The Respondent has been operating a web hosting business since 2009 and is registered with the Federal Board of Revenue (FBR) since 13 March 2010 (Registration No. 4230105131959) under the business name "Pakistan IT Solutions." The Respondent's business predates the Complainant's trademark registration (January 2023) by over 13 years, and predates the Complainant's company incorporation as HPK (Pvt) Ltd (October 2021) by over 12 years.

(ii) Active use for legitimate hosting services

The domain <thehoster.pk> is currently live and operational, offering web hosting, domain registration, VPS hosting, dedicated servers, and related IT services to paying customers in Pakistan and internationally. This constitutes bona fide use in connection with a legitimate offering of goods and services under Paragraph 4(c)(i) of the UDRP Policy.

(iii) Use of a generic term to describe services

The Respondent's choice of the domain <thehoster.pk> is a natural and legitimate use of a generic English term that describes the Respondent's core business activity web hosting. The Respondent has every right to use a descriptive term in its domain name to describe its services, just as any restaurant may use the word "restaurant" in its domain.

Under Paragraph 4(c)(ii) of the UDRP Policy, the Respondent has been commonly known by variations of the "hoster" name in connection with its hosting services for over 16 years.

It is well established that the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a case is made, the burden shifts to the Respondent to demonstrate otherwise (WIPO Overview 3.0, section 2.1). In the present case, the Complainant has established a prima facie case on the basis that:

- (a) it has prior rights in the HosterPK mark;
- (b) it has not authorized the Respondent to use its mark; and
- (c) the Respondent is using a confusingly similar domain name in the same line of business.

The Respondent asserts that it is using the DDN in connection with a legitimate web hosting business. However, the evidence on record does not support a finding of bona fide use within the meaning of paragraph 4(c)(i). The Complainant has provided evidence that internet users have been misled into believing that the Respondent's website is associated with the Complainant; and customers have, in fact, made payments to the Respondent under this mistaken belief (Exhibits 19A and 19B). Such conduct is inconsistent with bona fide use. Panels have consistently held that use of a domain name to mislead consumers or divert them for commercial gain cannot constitute a legitimate interest (WIPO Overview 3.0, section 2.5.2). Even if the Respondent is offering real services, the use of a confusingly similar domain name to attract customers by creating a false association with the Complainant does not qualify as bona fide.

The Respondent claims to have operated a business since 2009 under the name "Pakistan IT Solutions." However, there is no evidence that the Respondent has been commonly known by the name "TheHoster". Moreover, the Respondent has not provided evidence of any trademark rights or independent reputation in the term "hoster" as a distinctive identifier of its business. Accordingly, the requirements of paragraph 4(c)(ii) are not satisfied.

The Respondent further argues that "hoster" is a generic or descriptive term. While panels recognize that dictionary terms may, in principle, be used legitimately, such use must be genuine and not intended to trade off the goodwill of a third party (WIPO Overview 3.0, section 2.10). In the present case, the DDN is used for services identical to those of the Complainant; the overall presentation creates an impression of association; and there is evidence of actual confusion among

customers. These factors indicate that the Respondent's use is not merely descriptive, but rather seeks to capitalize on the Complainant's reputation.

In light of the above, the Panel finds that the Complainant has established a prima facie case; the Respondent has failed to rebut that case with credible evidence of rights or legitimate interests; and the Respondent's use of the DDN is not bona fide, but rather seeks to exploit confusion with the Complainant's mark. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The second element of the Policy is therefore satisfied.

III. Registration and use in bad faith

The Complainant has made the following submissions:

(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 DDN in bad faith. It is submitted that the Respondent's bad faith is further exemplified by the fact that they have registered the DDN on 25 November 2025 which is a day after the afore-said DNDRC decision in Case No.2025-0030 was intimated to the Complainant and the Respondent on 24 November 2025 as well as that such registration is subsequent to the adoption and use of the Claimant's registered TM/DN since 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. This is true for the reason that the DDN's registration was done on 25 November 2025 which is a day after the afore-said DNDRC decision in Case No.2025-0030 was intimated to the Complainant and the Respondent on 24 November 2025. Moreover, 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 DDN to deceive consumers.*
- c) The thehoster.pk website in its footer shows "Copyright 2006 - 2025 Thehoster.pk All Rights Reserved" while thehoster.pk has been registered on 25 November 2025. This back-dated claim misleads users about tenure and, coupled with the use of a confusingly similar name for identical services, supports findings of bad-faith under the Policy.*

Screenshot of Respondent's website www.thehoster.pk - Exhibit - 20

- d) *The DDN is virtually identical, or at least confusingly similar to Complainant's registered TM/DN 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).*
- e) *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 the Complainant when it registered the DDN especially in view of the fact that the registration date i.e. 25 November 2025 is only one day after the decision in Case No.2025-0030 was intimated to the Claimant and the Respondent by DNDRC. The Respondent's bad faith adoption of the DDN is further strengthened by the fact that despite the two DNDRC decisions against it, the Respondent is bent upon adopting a domain name which is identical or confusingly similar to the Complainant's registered TM/DN and the Respondent has done that again (for the third time) by adopting the DDN.*

Firstly, Complainant is well-known throughout the web-hosting industry. Secondly, the composition of the DDN, which entirely reproduce Complainant's registered TM/DN which is a highly distinctive mark, confirms that the Respondent was aware of Complainant and its registered TM/DN. It clearly demonstrates that Respondent registered the DDN based on the attractiveness of the Complainant's registered TM/DN 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'Estalvis I Pensions de Barcelona ("La Caixa") v. Eric Adam). Given the reputation of the Complainant's registered TM/DN, registration of the DDN in bad faith can be inferred.

Thirdly, Complainant's domain name registration significantly predates the registration date of the DDN. 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 registered TM/DN. 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 any case, the Respondent is well aware of the Claimant's registered TM/DN since the initiation of proceedings and the decisions in Case No.2025-0030 & Case No.2025-0031.

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 registered TM/DN, 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 registered TM/DN at the time of registration of the DDN. It is most likely to be believed that Respondent registered the DDN based on the notoriety and attractiveness of the Complainant's registered TM/DN to divert internet traffic to its fraudulent website.

Finally, Complainant submits that given Complainant's goodwill and renown, and the nature of the DDN, 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 registered TM/DN in mind at the time of registration of the DDN. Consequently, it is established that Respondent registered the DDN in bad faith

The Respondent has made the following submissions.

(i) Registration for legitimate business purposes

The Respondent registered <thehoster.pk> for the sole purpose of operating its established web hosting business. The registration was motivated by legitimate commercial need, not by any intention to target the Complainant or exploit its trademark. The Respondent has been in the web hosting industry since 2009 and the use of a generic term like "the hoster" for a hosting business is entirely natural and expected.

(ii) No evidence of targeting the Complainant

The Complainant has not presented any evidence that the Respondent registered <thehoster.pk> to target the Complainant specifically. The domain does not incorporate the Complainant's mark "HosterPK" it uses an entirely different construction ("TheHoster"). There is no evidence of the Respondent attempting to sell the domain to the Complainant, divert the Complainant's customers through deceptive means, or disrupt the Complainant's business.

(iii) Impossible to register in bad faith against a mark that postdates the Respondent's business

The Respondent's web hosting business commenced in 2009. The Complainant's trademark was registered on 18 January 2023 over 13 years later. The Complainant's company HPK (Pvt) Ltd was incorporated on 12 October 2021 over 12 years after the Respondent's business began. It is legally and logically impossible for the Respondent to have registered a domain in bad faith to exploit a trademark and a company that did not yet exist when the Respondent's business was established.

Under paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name ("DDN") has been registered and is being used in bad faith. Paragraph 4(b) sets out non-exhaustive circumstances evidencing bad faith, including where a domain name is used intentionally to attract internet users for commercial gain by creating a likelihood of confusion with the complainant's mark.

The Panel finds that the Respondent knew or ought to have known of the Complainant's mark at the time of registration. This finding is supported by the following: the Complainant's prior and established use of the HosterPK mark; the parties operate in the same industry (web hosting services); and the composition of the DDN, which closely mirrors the dominant element of the Complainant's mark. Further, the timing of registration is highly probative.

The DDN was registered on 25 November 2025, one day after the parties were notified of the DNDRC decision in Case No. 2025-0030. This strongly indicates that the Respondent had actual knowledge of the Complainant's rights and nevertheless proceeded to register a confusingly

similar domain name. Such conduct supports a finding of deliberate targeting and opportunistic bad faith (WIPO Overview 3.0, section 3.2.2).

The record indicates that the Respondent has engaged in a pattern of registering domain names that are identical or confusingly similar to the Complainant's mark, including following adverse decisions. The registration of the DDN immediately after a prior decision against the Respondent reinforces the inference that the Respondent is attempting to circumvent earlier findings and continue exploiting the Complainant's goodwill. Panels have consistently treated such conduct as indicative of bad faith.

The Respondent is using the DDN to offer web hosting services identical to those of the Complainant. The evidence provided by the Complainant shows that the Respondent's website creates an impression of association with the Complainant; and customers have, in fact, been misled into making payments to the Respondent under the mistaken belief that they were dealing with the Complainant (Exhibits 19A and 19B).

This falls within paragraph 4(b)(iv) of the Policy as it demonstrates the intentional attraction of internet users for commercial gain by creating a likelihood of confusion. Even where a respondent offers genuine services, such use is not legitimate where it relies on confusion with the complainant's mark (See WIPO Overview 3.0 Section 3.1.4).

The Respondent contends that the domain was registered for legitimate business purposes; there is no evidence of targeting; and its business predates the Complainant's trademark registration. The Panel does not find these arguments to be persuasive.

First, the issue is not when the Respondent's business began, but whether the DDN was registered in bad faith. The relevant date is the date of domain registration (November 2025), at which time the Complainant's rights were already established and known to the Respondent (due to an earlier DNDRC decision).

Second, the Respondent's claim of lack of targeting is contradicted by the similarity of the domain name; the identical nature of services offered; evidence of actual consumer confusion; and the timing of registration immediately following prior proceedings.

Third, even if the term "hoster" is descriptive, the Respondent's use goes beyond descriptive use and instead seeks to capitalize on the Complainant's goodwill. Furthermore, even if the Panel extends, the Respondent's argument here that the term; "hoster" is generic, by nature, and that it cannot constitute bad faith to operate the DDN, using such a generic term, falls short of proving so. Since, we can also observe the term "Xerox" to be a similar, widely used term by domain names throughout the internet and having become a generic word/ phrase, in its own right; yet that does

not take away the ownership rights from the actual owner of the trademark. Since there are unique identifiers in place, on the internet, which are capable of distinguishing the websites actually connected to the original trademark, with those that are not. The wide usage of a term, simply because it has become generic, does not mean that the actual owner loses ownership of the tradename/ trademark associated with that term. Hence, the Panel holds that the Respondent had full knowledge of the Complainant's rights, while registering the DDN and intentionally took advantage of the Complainant's notoriety and goodwill, indicating bad faith

In light of the above, the Panel finds that the Respondent registered the DDN with knowledge of the Complainant's mark; that the registration was opportunistic and followed prior adverse proceedings; and that the DDN is being used to intentionally attract users for commercial gain by creating confusion.

Accordingly, the disputed domain name has been registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

7. Decision

Upon reviewing the contentions and supporting evidence submitted by both Parties, the Panel finds that the Complainant has successfully established all elements required under the PKNIC - Internet Domain Registration Policy and the UDRP.

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

1. The DDN is confusingly similar to the registered trademark of the Complainant;
2. The Respondent has no legitimate interest in the DDN, and;
3. 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 <thehoster.pk > to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through its publication on the official 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 seek leave to appeal under Rule 17 of the [Supplemental Rules](#).

Arbitrator: Sunain Qazi

Sole Panelist

Date: 9 April 2026