

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

M. Yousuf Adil Saleem & Co v. Mohmmad Saleem

Case No. C2012-0003

Also in PDF C2012-0003

1. The Parties

The Complainant is M. Yousuf Adil Saleem & Co. located at Cavish Court, A-35, Block 7 & 8, KCHSU, Sharae Faisal Karachi-75350.

The PKNIC Whois data base shows the registrant of the domain name in dispute <myasco.com.pk> to be Mr Saleem, located at 1st floor, Rasheed Plaza, 24-d, Blue Area, Islamabad, Pakistan.

2. The Domain Name and Registrar

The disputed domain name is <myasco.com.pk> and has been registered by the Respondent.

3. Procedural History

The Complaint was filed with the Domain Name Dispute Resolution Center (the "DNDRC") on 13th June, 2012.

In accordance with the PKNIC - Internet Domain Registration Policy and the Rules of ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP], DNDRC formally notified the Respondent of the Complaint via email dated Friday, 06th July, 2012 and the Respondent was asked to provide DNDRC with the Response in the format provided. The Respondent was informed that if a Response was not received within 10 days from the notification, the dispute would proceed *ex parte*.

The Respondent failed to submit a Response.

Under the Supplemental Rules of DNDRC which override the ICANN Rules for Uniform Domain Name Dispute Resolution Policy in terms of paragraph 2 of the PKNIC - Internet Domain Registration Policy v 4.1, which states that "*DNDRC may consider and issue a recommendation in the matter in accordance with its own rules for such disputes or in default of such rules apply the Uniform Domain Name Dispute Resolution Policy (As Approved by ICANN on October 24, 1999) and/or the Rules for Uniform Domain Name Dispute Resolution Policy (As Approved by ICANN on October 24, 1999).*" As such DNDRC applies its Supplemental Rules to these proceedings as well as the UDRP and in case of any conflict the DNDRC Supplemental Rules to the ICANN Rules for the UDRP and UDRP apply.

The Center appointed Barrister Samay Shams as the sole Arbitrator who has verified that the Complaint

satisfies the formal requirements of the Policy and the Rules. He has accepted and declared Impartiality and Independence.

The language of the proceedings is English.

4. Factual Background

The Respondent registered the disputed domain name <myasco.com.pk> on 25th July, 2009 and it has been registered for up to 25th July, 2013.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

This complaint relates to the business of the professional firm "M. Yousuf Adil Saleem & Co", Member of Deloitte Touche Tohmatsu Limited, one of the largest global network of firms providing professional services. Please see the web site "www.deloitte.com" for details of network.

The partnership agreement is hereby enclosed. (Ref: Annexure-IV). Also refer to the Annexures V and VI.

1. The official web site of M. Yousuf Adil Saleem & Co, a member firm of Deloitte Touche Tohmatsu Limited (DTTL), is located at "www.deloitte.com/pk", which is linked with the global website "www.deloitte.com".

2. We have not permitted anyone to represent our business / firm on any other web site. Any web site claiming to represent M. Yousuf Adil Saleem & Co should be considered as fraudulent and illegal.

3. We have found that the domain "myasco.com.pk" has been maintained by Mr. Mohammad Saleem at COMSATS without any authorization of the firm's governing board / partners or the Chief Executive.

4. Mr. Saleem has been illegally using the domain "myasco.com.pk" to solicit business in the name of M. Yousuf Adil Saleem & Co. We have not permitted Mr. Saleem to represent our business on the web site maintained by him and hosted by COMSATS Internet Services.

5. Mr. Saleem has been suspended as Partner of M. Yousuf Adil Saleem & Co by the Board of the Firm and has been ordered by Sindh High Court "not to cause any interference or hindrance to the normal functioning of the firm M. Yousuf Adil Saleem & Co". He cannot solicit any business for and on behalf of our firm. The court orders have been enclosed herewith for your ready reference (Ref: Annexure-II, Annexure-III). Also enclosed is a copy of Board's resolution suspending Mr. Saleem as partner of the Firm (Annexure V)

6. In clear violation of the court orders, Mr. Saleem has been using the website

“myasco.com.pk” to present his business activities as part of M. Yousuf Adil Saleem & Co and as member of Deloitte Touche Tohmatsu Limited, one of the largest network of professional services firms.

7. *We also enclose letter from Mr. Philip Rotner, global general counsel of DTTL confirming that Mr. Asad Ali Shah is the CEO, and is also authorized to take appropriate decisions for and on behalf of the firm. (Ref: Annexure-VI)*

8. *An email communication from Mr. Jan Dalhuisen, Regional Managing Partner of DTTL EMEA is also enclosed. (Ref: Annexure-VII)*

9. *In light of the aforementioned facts, we strongly object to the contents of the website “myasco.com.pk” as these contents are gross misrepresentations of our firm and its business and are misleading the general public.*

Remedies sought:

The Complainant has sought the following remedies:

1. *The web site “myasco.com.pk” should remove all the content related to M. Yousuf Adil Saleem & Co or Deloitte Touch Tohmatsu Limited with immediate effect*

2. *COMSATS Internet Service should stop hosting the web site “myasco.com.pk” with immediate effect.*

B. Respondent

The Respondent has failed to submit a Response, even though an opportunity to do so was afforded to him.

6. Jurisdiction

The Panel’s jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 and the Rules.

The Respondent applied for, was granted registration of the disputed domain name on the basis of and has submitted to the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 and the Rules to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

7. Discussions and Findings

The application for the registration of the domain name in dispute <myasco.com.pk> on behalf of the Complainant is regulated by both, the PKNIC - Internet Domain Registration Policy Aug 7, 2007 ver. 4.2 as well as the UDRP Rules.

The Respondent applied for registration of the disputed domain name <myasco.com.pk> on the basis of these regulations and was allowed registration subject to the same.

The PKNIC - Internet Domain Registration Policy Aug 7, 2007 ver. 4.2 paragraph 6 states that:

“PKNIC has neither the resources nor the legal obligation to screen requested Domain Names to determine if the use of a Domain Name by an Applicant may infringe upon the right(s) of a third party. Consequently, as an express condition and material inducement of the grant of an applicant's ("Applicant") request to register a Domain Name, Applicant represents, agrees and warrants the following four statements and a failure to comply with them, or any other parts of the PKNIC policy, will cause PKNIC to cancel the domain registration of the non-compliant domains of Applicant:

- 1. Applicant's statements in the application are true and Applicant has the right to use the Domain Name as requested in the Application;*
- 2. Applicant has a bona fide intention to use the Domain Name on a regular basis on the Internet;*
- 3. The use or registration of the Domain Name by Applicant does not interfere with or infringe the right of any third party in any jurisdiction in Pakistan, with respect to trademark, service mark, tradename, company name or any other intellectual property right;*
- 4. Applicant is not seeking to use the Domain Name for any unlawful purpose, including, without limitation, tortuous 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.”*

Additionally the PKNIC - Internet Domain Registration Policy Aug 7, 2007 ver. 4.2 paragraph 4 states that:

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, is 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, agitates 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.

ICANN's Uniform Domain Name Dispute Resolution Policy (UDRP) lays down three basic requirements under paragraph 4(a) on the basis of which a domain name Complaint shall be decided:

- (i) Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and*
- (ii) Respondent has no rights or legitimate interests in respect of the domain name; and*
- (iii) Respondent's domain name has been registered and is being used in bad faith.*

Therefore the Panel shall determine the Complainant subject to the following issues:

- i. Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy Aug 7, 2007 ver. 4.2 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).

Illegality, unlawfulness or otherwise invalidity of the Application & Registration

In terms of the PKNIC - Internet Domain Registration Policy Aug 7, 2007 . ver 4.2a registration of a domain name is allowed subject to inter alia paragraph 1 & 4 which state:

“with the exception of any applications/cases for registration that attempt to register a domain name that:

- a. infringes upon a registered tradename,*
- b. is not bona fide as recognized by international best practice,*
- c. 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,*
- 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.*

In the seminal case of ***Standard Chartered PLC v. Hosting Campus Domain Case No. C2007-0001*** the DNDRC used for the first time the conditions for deciding the issue of Illegality, unlawfulness or otherwise invalidity of the Application & Registration as laid out in the PKNIC - Internet Domain Registration Policy Aug 7, 2007 ver 4.2 and made use of the same in rendering the landmark decision related to the disputed domain name <standardchartered.pk>, whereby it was held that:

In this context the following aspects of the dispute will be addressed in this decision:

- 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 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 Panel therefore, concludes that the registration of the domain name “<[standardchartered.pk](#)>” would be illegal, unlawful and otherwise invalid in terms of the

PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 not to mention that the Respondent's registration and/or use of the domain name "<standardchartered.pk>" could possibly give the impression that PKNIC (though PKNIC under International best practice would not have any liability if it had no knowledge but once it would have notice would have a duty to act) by allowing the maintenance of such registration would be committing a contravention of the Pakistani criminal law and a breach of its own Internet Domain Registration Policy June 20, 2006 version 4.1.

It is once again reiterated and clarified for future disputes, Appeals and Complaints that the illegality and examination of Pakistani law in this context does not imply that Pakistani law has applicability or jurisdiction over PKNIC or the dispute. Instead the fact that Pakistani law is included as part of the terms of the PKNIC- Internet Domain Registration Policy June 20, 2006 version 4.1, the terms and conditions apply to PKNIC and all parties by virtue of contractual and representative clauses and the examination of Pakistani law is thus undertaken to examine whether any of these terms and conditions have been breached, violated and/or there is non-conformity by the applicant or PKNIC.

The Panel, taking into account the discussions and findings in the case of <standardchartered.pk> will now apply those onto the facts of this case.

The Complainant is a well-known and prominent company that has been engaged in the business of providing professional services with significant customer base for over years. As such, its trade name MYASCO is closely associated to its offering of services and its colossal customer base is contingent upon the "MYASCO" name.

The Complainant has developed and uses the trade mark "myasco" widely in relation to its well established business. It offers and is recognized for provision of services associated with the name MYASCO thereby the same becoming the Complainant's personal insignia that they, and their services are recognized and identified by.

Furthermore, the name "myasco" is not a literate English word, nor does it constitute any meaning as such. It is in fact an abbreviation of the Complainant's name, which it uses widely and on a consistent basis.

The Respondent has not submitted a Response and as such not provided any information, data, documentation or the like to be considered by the Panel in rendering this Decision and discussing this head.

Though, the Complainant does not have a trademark registration for its name, common law trademark rights arise in its favor vide extensive use. The Complainant is unable to register the Disputed Domain Name for itself, since the registration of the same is being held by the Respondent. The Respondent has not provided the Center with any information with respect to this registration, nor countered, denied or defended the assertions put forth by the Complainant. In such an absence of information and record, the Panel is unable to ascertain anything on part of the Respondent.

The Complainant has shown the importance and significance with respect to the Disputed Domain Name and has supported the same with Annexures/Evidence. The Panel has reviewed the same and taken into account the information put forth by the Complainant with respect to the Disputed Domain Name. furthermore, the Complainant has not permitted, authorized and/or consented to the use of Disputed Domain Name by the Respondent.

Although Pakistani law does not apply by force of law over PKNIC's jurisdiction, conformity with it is a contractual term of the agreement executed between the Respondent and PKNIC, therefore any illegality pertaining to the Application and Registration of the domain name in dispute would render the registration of the domain name in dispute to be void. In this spirit and for this purpose alone the following provisions of Pakistani law are being taken into consideration while rendering this Decision. The relevant laws pertaining to registration of the domain name in dispute includes the Trade Marks Ordinance, 2001, The Electronic Transactions Ordinance, 2002, subject to which infringements of Trade Marks and Trade Names is equated with the infringement of domain names hence the Pakistan Penal Code section 478(1), that deal with infringement of Trade Marks, would possibly also cover domain names. Additionally under the Pakistan Penal Code, 1860 sections 464, 470, 471, 473, 476, 479, 480, 481, 482, 483 and 485 the continuing registration of the domain name in dispute "<myasco.com.pk>" by a person other than the owner/rightful holder/authorized user of the registered trademarks/names could be construed to be an offence on multiple accounts, and by operation, would not only give the impression to the Respondent that PKNIC (though PKNIC under International best practice would not have any liability if it had no knowledge but once it would have notice would have a duty to act) was allowing aiding, abetting, encouraging and conspiring with the Respondent and would also be liable to criminal offences under the above mentioned legislations. Lastly by operation of the Electronic Transactions Ordinance 2002 section 3 and the Prevention of Electronic Crimes Ordinance 2009 section 15, (although, the same is not in effect at the moment, but it was at the time of registering the disputed domain name by the Respondent) it can be construed that in any event where a Respondent has established or is using a website or a domain for any purpose, in which he does not hold legitimate interests, is entitled to be charged with the offence of spoofing under s.15 of the PECO 2009. The punishment under this legislation is not simply limited to fines and could also amount to imprisonment.

The above mentioned factors would increase the likelihood of giving rise to liability under the above mentioned legislations, which in turn would raise significant doubt regarding the legitimacy and bona fide of the Respondent's registration of the domain name in dispute.

In the opinion of the Panel this criteria has been sufficiently proven by the Complainant and no supporting evidence to the contrary has been tendered by the Respondent. However this Panel shall also assess the Complaint in terms of the ICANN UDRP as amended by the PKNIC- Internet Domain Registration Policy Aug 7, 2007.ver 4.2.

I. Identical or confusing similarity with a trademark or service in which the Complainant has rights

The Domain Name is identical and confusingly similar to the name the Complainant.

The issue is as to whether or not the Complainant can be said to have trade mark rights in the Disputed Domain Name. The Complainant has no registered trade mark rights, so the question is as to whether or not it has unregistered common law trade mark rights or their equivalent for the purpose of the UDRP.

In order to discuss this head and find under it, the Panel has taken guidance from the Discussion and Findings in WIPO Authorities. The word "Uniform" in the name of the UDRP is primarily a reference to uniformity across the gTLDs. At a minimum, implicit in the introduction and scope of the UDRP is its global application. The Panel takes the view that the Policy needs to be applied as uniformly as

possible across the globe, particularly when dealing with a domain name in one of the gTLDs (which can be obtained and accessed around the world, irrespective of jurisdiction). Secondly, for the purpose of assessing what might constitute an equivalent to a common law trade mark right, it is important to understand what a common law trade mark is. In this context it is a name or sign, the use of which (or a confusingly similar variant of which) a person can restrain by way of a passing off action. For the purposes of a passing off action the plaintiff needs to be able to prove that (a) it has a reputation and goodwill in respect of the name or sign in question, (b) the defendant is using it or a confusingly similar variant of it to cause deception in the marketplace and (c) the plaintiff is suffering or is likely to suffer consequential damage.

Given the global nature of the domain name system and the international nature of much of the world's trading activity, it is entirely possible that a complainant that is physically located in a particular civil law jurisdiction could nonetheless establish common law trademark rights outside that jurisdiction by virtue of its international (including on-line) operations.

The Complainant has provided information and documentation which illustrate that the name “myasco” is not only important to their business, but is also significantly well recognized and is crucial in their dealings with their Partner (Deloitte).

It is on that basis that this Panel is prepared to hold that the Complainant has rights in respect of the name, “myasco”, for the purposes of paragraph 4(a)(i) of the Policy.

The Disputed Domain Name is being used to offer services which are similar to that of the Complainant and the name and association with the Partner is being used when no authorization to do so is available with the Respondent. It is likely that Clients of the Complainant or even a new user/subscriber looking for the Complainant would end up at the Disputed Domain Name and falsely believe it to be that of the Complainant and would be misled into believing that the Respondent has any association and/or affiliation with the Partner (Deloitte). That deception of Internet users and damage to the Complainant is likely to result from the Respondent's use of the Domain Name and this is clear to the Panel

The Panel also takes into account the fact that the Respondent has not challenged the Complainant's evidence or its claim to unregistered trade mark rights.

Taking all the above into account, the Panel finds that the Domain Name is confusingly similar to a trade mark in which the Complainant has rights.

In light of the above mentioned authorities as precedents, facts and accompanying discussions, the Panel has arrived at the conclusion that the contested domain name <myasco.com.pk> contains as its distinctive part the designation “myasco” which is a short form used for the Complainant's name, is identical to Complainant's distinctive name. The Panel finds that the conditions in paragraph 4(a)(i) of the Policy are therefore fulfilled.

II. Legitimate interest in Domain Name

The second element of a claim of abusive domain name registration and use is that the respondent has no rights or legitimate interests in respect of the domain name (Policy, paragraph 4(a)(ii)). The Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

(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.” (Policy, paragraph 4(c))”

The Complainant has provided information and annexed data and record for the Panel to take into account that it has rights to the Disputed Domain Name and that it has been using the name “myasco” for a long time, and on a regular basis. And that the same name is associated with the Complainant’s business and more importantly the Partnership it has with Deloitte. In addition to this, the Complainant has not authorized, permitted and/or consented to the use of the Disputed Domain Name by the Respondent.

The Respondent has not provided any information, data, record, evidence or the like that he has been commonly known by the disputed domain name, or that he has made or planned to make a *bona fide* offer of goods or services using that name. The Respondent is using the Disputed Domain Name to offer services similar to those of the Complainant. This does not constitute a *bona fide* offering of services or goods within the meaning of paragraph 4(c)(i) of the Policy.

The Respondent has not provided the Center with any information, whatsoever at all, in order for the Panel to consider the same and take into account while rendering this Decision and discussing this head.

In absence of any information, data, evidence, record or the like filed by the Respondent, the Panel is unable to determine any rights or legitimate interests with respect to the Disputed Domain Name on part of the Respondent.

III. Registration and use of the domain name in bad faith

In regards to the issue of bad faith the UDRP states that:

“the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your web site or location or of a product or service on your web site or location.”

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances from which such bad faith may be found. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003. The overriding objective of the Policy is “to curb the abusive registration of domain names in circumstances where the registrant is seeking to profit from and exploit the trademark of another”. *Match.com, LP v. Bill Zag and NWLAWS.ORG*, WIPO Case No. D2004-0230.

The Respondent has not provided any information, nor has it disputed and/or countered the contentions put forth by the Complainant. The Respondent is using the Disputed Domain Name in connection with services identical to the Complainant's and any user looking for the Complainant could be misled into consulting the Respondent, falsely believing it to be the Complainant or affiliated with the Complainant. Under the overall circumstances reflected in the record, the Panel can ascribe no apparent motive for the Respondent's opportunistic use of this identical and confusingly similar domain name except to capitalize or otherwise take advantage of the Complainant's rights. See *Aubert International SAS and Aubert France SA v. Tucows.com Co.*, *supra*.

In light of the foregoing, the Panel finds that the Respondent's registration of the disputed domain name with knowledge of the Complainant's rights in the “myasco” mark in the circumstances presented here is evidence of bad faith. See *Ticketmaster Corp. v. Spider Web Design, Inc.*, WIPO Case No. D2000-1551. Moreover, the Panel is of the opinion that the Respondent has used the disputed domain name in bad faith to attract Internet users to the Respondent's website for commercial gain, by creating a likelihood of confusion in terms of paragraph 4(b)(iv) of the Policy. See *Edmunds.com v. Ultimate Search, Inc.*, *supra*.

It could be that the Respondent knowingly has permitted the disputed domain name to be monetized and used to exploit the Complainant's mark and the Respondent has not provided any information with respect to the Disputed Domain Name that could be taken into account. Further, the Respondent has taken no steps to curtail such use, and has offered no credible explanation for his failure to do so and not availed the opportunity provided to submit a Response. In the final analysis, the Respondent, as the domain name holder, is responsible for the use of the disputed domain name and the content on his website. See *Aubert International SAS and Aubert France SA v. Tucows.com Co.*, *supra*.

Accordingly, the Panel finds that it is unable to determine bona fide on part of the Respondent since the same has failed to provide any information, evidence or the like with respect to the requirements of paragraph 4(a)(iii) of the Policy.

In rendering this Decision, the Panel has procured guidance from WIPO Consensus View and following WIPO Authorities:

- Uitgeverij Crux v. W. Frederic Isler, WIPO Case No. D2000-0575, <crux.net >,
- Skattedirektoratet v. Eivind Nag, WIPO Case No. D2000-1314, <skatteetaten.com>,
- Australian Trade Commission v. Matthew Reader, WIPO Case No. D2002-0786, <austrade.com>,
- Imperial College v. Christophe Dessimoz, WIPO Case No. D2004-0322, <idealeague.com> inter alia,
- Fairview Commercial Lending, Inc. v. Aleksandra Pesalj, WIPO Case No. D2007-0123, <fairviewlending.org>,
- La Mafafa, Inc. dba Cultura Profética v. Domains Real Estate, WIPO Case No. D2009-0534, <culturaprofetica.com>,
- S.N.C. Jesta Fontainebleau v. Po Ser, WIPO Case No. D2009-1394, <palaisstephany.com>,

8. Decision

For the foregoing reasons, the Panel therefore concludes and decides that:

- i. The Respondent's registration of the disputed domain name <myasco.com.pk> is in violation of the PKNIC - Internet Domain Registration Policy Aug 07, 2007 version 4.2.
- ii. The Respondents have no legitimate interest in the disputed domain name.
- iii. The disputed domain name confusingly similar to the Complainant's tradename.
- iv. The Respondent is making mala fide use of the Complainant's trade name.
- v. Pursuant to Paragraphs 4 of the PKNIC - Internet Domain Registration Policy Aug 07, 2007 version 4.2, and Paragraph (i) of the UDRP the Panel therefore recommends to PKNIC to transfer the registration of the domain name at issue <myasco.com.pk> to the Complainant, as prayed for within 48 hours of receipt of this decision by email or it being uploaded onto the DNDRC website www.dndrc.com/cases_resolved/, whichever takes place earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator (Sole Panelist): Barrister Samay Shams

Dated: 19th July, 2012