

## **ADMINISTRATIVE PANEL DECISION**

### **Society for Human Resource Management v. Harpreet Singh Case No. D2023-1529**

#### **1. The Parties**

The Complainant is Society for Human Resource Management, United States of America ("United States"), represented by Holland & Knight LLC, United States.

The Respondent is Harpreet Singh, India.

#### **2. The Domain Name and Registrar**

The disputed domain name <shrm2023.org> is registered with GoDaddy.com, LLC (the "Registrar").

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 6, 2023. On April 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 12, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on April 12, 2023.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 11, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on May 25, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is Society for Human Resource Management, an Ohio-based corporation located in the United States.

The Complainant provides various services in the field of human resources (“HR”) management, including the arranging and conducting of educational conferences, exhibitions, seminars, workshops and training courses, under the SHRM trademark (the “SHRM trademark”). The Complainant has established itself as a leading international expert in the HR field, with more than 300,000 human resources and business executive members in 165 countries, affecting more than 115 million workers and families globally.

The Complainant has proven to be the owner of several registrations for the SHRM mark.

The Complainant is *inter alia* the owner of:

United States trademark SHRM (device) registration No. 3580962 registered on February 24, 2009;  
United States trademark SHRM (device) registration No. 3568021 registered on January 27, 2009;  
United States trademark SHRM (device) registration No. 3554542 registered on December 30, 2008;  
United States trademark SHRM registration No. 6440990 registered on August 3, 2021.

The disputed domain name was registered on March 13, 2023.

The disputed domain name directs visitors to a commercial website (the “Respondent’s website”) that, among other things, offers accommodation services. On this website, the SHRM trademark as well as content copied from the Complainant’s official website is displayed.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is confusingly similar to the SHRM trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

#### **6. Discussion and Findings**

In order for the Complainant to obtain the transfer of the disputed domain name, paragraphs 4(a)(i)-(iii) of the Policy require that the Complainant must demonstrate to the Panel that:

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

## **A. Identical or Confusingly Similar**

The Complainant has established rights in the SHRM trademark.

The disputed domain name <shrm23.org> contains the Complainant's SHRM trademark with the addition of the suffix "2023" and the generic Top-Level Domain ".org".

The addition in the disputed domain name of the suffix "2023" does not prevent confusing similarity with the SHRM trademark.

This Panel agrees with previous UDRP decisions affirming that confusing similarity is generally established when the domain name incorporates the Complainant's trademark in its entirety, and that the addition of generic prefixes and suffixes does not avoid confusing similarity. See *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#), and section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Moreover, in the present case, the addition of the number "2023" appears to be a reference to the Complainant's 2023 Annual Conference and Expo. This event is also announced on the Respondent's website.

Therefore, the Panel finds the disputed domain name to be confusingly similar to the SHRM trademark in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services.

Indeed, it appears that the Respondent has attempted to usurp the Complainant's goodwill in the trademark, in an attempt to confuse and deceive Internet users into doing business with the Respondent.

In addition, the Respondent does not appear to be commonly known by the disputed domain name or by a similar name. Moreover, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and has been used in bad faith.

Particularly relevant are the Complainant's unchallenged assertions (which the Panel accepts and partially reports below) that:

The Respondent could not be unaware of the existence of the Complainant's trademarks when registering the disputed domain name.

In fact, the Respondent registered the disputed domain name long after the Complainant had registered its trademarks and long after the Complainant had operated a website under the domain name <shrm.org> (namely since 1996).

In addition, the Respondent has reproduced elements of the Complainant's website exactly, including its multi-day exposition schedule. It is therefore clear that the Respondent was aware of the Complainant's trademark and activity when it registered the disputed domain name.

It also appears that the Respondent's website is built in an apparent effort to confuse and mislead visitors into believing the disputed domain name is affiliated with, or even operated by, the Complainant.

In fact, the website appears to be inviting potential customers to register for the SHRM Annual Conference by supplying their contact details and requesting transport and accommodation assistance. In addition, on the About Us page, it gives the false impression that the Respondent is actually the Complainant.

Consequently it is clear that the Respondent registered the disputed domain name while aware of the Complainant's trademark and activity, and did so with the intention to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of either the Respondent and/or its website, so as to trick those users into doing business with the Respondent. This constitutes bad faith registration and use as well as a disruption of the Complainant's business under the Policy.

Inference of bad faith can also be found in the failure to respond to the Complainant's contentions, and the Respondent's lack of any rights or legitimate interests in the disputed domain name.

Moreover, a privacy shield registration service has been used for the disputed domain name. While the use of a privacy or proxy registration service is not in and of itself an indication of bad faith, it is the Panel's opinion that in the present case the use of a privacy shield, combined with the elements previously discussed, amounts to a further inference of bad faith registration and use.

Finally, the Respondent has not responded to (nor denied) the assertions made by the Complainant in this proceeding.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <shrm2023.org>, be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: June 6, 2023