

ADMINISTRATIVE PANEL DECISION

Blomquist Builder's Group, Inc. v. Denise Chapman
Case No. D2023-3501

1. The Parties

Complainant is Blomquist Builder's Group, Inc., United States of America ("United States"), represented by Lee & Hayes, PC, United States of America.

Respondent is Denise Chapman, United States of America, represented by Solace Law, United States.

2. The Domain Name and Registrar

The disputed domain name <builtbyjenniferblomquist.com> 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 August 17, 2023. On August 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 19, 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 named Respondent (Unknown) at the time and contact information in the Complaint. The Center sent an email communication to Complainant on August 21, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on the same date.

The Center verified that Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on August 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2023. The Response was filed with the Center on September 8, 2023.

The Center appointed Phillip V. Marano as the sole panelist in this matter on September 15, 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.

On September 15, 2023, Complainant filed an unsolicited supplemental submission with the Center. On September 18, 2023, Respondent replied to Complainant's supplemental submission. In its discretion, the Panel has decided to consider both parties' supplemental submissions. On October 3, 2023, Respondent wrote to the Center, stating that Complainant filed for Chapter 7 Bankruptcy in the Northern District of Georgia on September 21, 2023.

4. Factual Background

This is not the first domain name dispute between these same two parties. A more thorough recitation of the facts underlying the broader, aptly characterized as "acrimonious", dispute between the parties is available in *Blomquist Builder's Group, Inc. v. Domains By Proxy, LLC / Denise L Chapman*, WIPO Case No. [D2022-0307](#) (hereinafter referred to as the "*Blomquist Builder's Group* case"). As in that case, the record here includes many factual allegations and arguments which are not strictly necessary to the disposition of this case under the Policy. Thus, this Panel has included only those facts, allegations, and arguments which may have some bearing on the outcome.

Complainant, Blomquist Builder's Group, Inc., is a Georgia domestic profit corporation owned by Jennifer Blomquist and formed on September 5, 2003. Complainant constructs and sells luxury custom homes in the state of Georgia. Although Respondent again makes much of the distinctions among Complainant and Ms. Blomquist, as part of an unavailing "lack of standing" argument, the Panel once again sees no reason under this record to consider them as anything other than a monolith for purposes of this case. Complainant offers information about its services through official domain names like <estatesatcornerstone.com> and its associated websites, but also owns the domain names <jennblomquist.com>, <jenniferblomquist.net>, and <jennyblomquist.com>, which have all redirected to Complainant's official websites since their registration in 2019. Complainant asserts unregistered common law trademark rights in the BLOMQUIST BUILDER'S GROUP trademark and the JENNIFER BLOMQUIST trademark, and asserts Complainant has "advertise[d] and s[old] its services under both trademarks since 2003".

Respondent is a dissatisfied customer of Complainant. Complainant and Respondent originally agreed that Respondent would create and maintain a website for Complainant in exchange for discounts on materials to build Respondent's home. Complainant has consistently asserted, and Respondent now broadly denies, that Respondent "coerced" additional discounts and compensation from Complainant while building Respondent's home. When the relationship between the parties ultimately deteriorated in 2017, Respondent began redirecting Complainant's website to, according to Complainant, "false and disparaging" information about Complainant's building project and Complainant, or according to Respondent, "a personal blog related to my firsthand [...] nightmare home buying experience".

Respondent registered a series of domain names corresponding to subdivision names of Complainant's housing development projects, and then configured them each to resolve to Respondent's webpage content criticizing Complainant:

- Complainant asserts that Respondent registered <thesummitatlostmountain.org>, which was created on July 29, 2017, and is subject to a concurrent case under the Policy.
- Respondent registered <thesummitatlostmountain.com> on July 29, 2017.
- Respondent registered <theestatesatcornerstone.com> on December 27, 2019.

Complainant filed an ultimately successful complaint under the Policy against Respondent with respect to the latter two domain names on January 28, 2022. Notably, the panel in that initial *Blomquist Builder's Group* case, held that: (i) "it is undisputed that [Respondent] registered [the <thesummitatlostmountain.com>

disputed domain name on July 29, 2017] as Complainant's agent, in exchange for financial consideration"; (ii) "Respondent did not dispute Blomquist's sworn statement that Respondent coerced other discounts from Complainant along the way. Again, this is a fairly serious allegation, as it has potential relevance to the question whether Respondent's conduct is ultimately opportunistic in nature"; and (iii) "It bears emphasis that nothing in this decision would prevent Respondent from airing her grievances about Complainant via another domain name that was not virtually identical to the latter's mark". See *Id.*

On January 25, 2022, a mere three days before that initial *Blomquist Builder's Group* case was filed with the Center, Respondent registered the disputed domain name <builtbyjenniferblomquist.com> that is the focus of the instant Complaint.

At the time this Complaint was filed, the disputed domain name resolved to Respondent's same content, which remains in dispute between the parties.

Complainant has also filed an ongoing defamation lawsuit against Respondent in Georgia state court. Both parties appear to agree that it has no bearing on the disposition of the disputed domain name.

5. Parties' Contentions

A. Complainant

Complainant asserts ownership of the unregistered common law BLOMQUIST BUILDER'S GROUP and JENNIFER BLOMQUIST trademarks since as early as 2003 and has adduced evidence of use in connection with Complainant's real estate and construction services, namely: (i) Complainant's profile on Realtor.com; (ii) Complainant's profile on Houzz.com; (iii) customer testimonials about Complainant on Complainant's website, SomersetOaksAtLost.Com; (iv) Complainant's profile on NewHomeGuide.Com; (v) Complainant's profile on BuzzBuzzHome.Com; (vi) Complainant's profile on Zillow.com; and (vii) a sworn declaration by Jennifer Blomquist. Complainant also argues that Respondent's inclusion of Complainant's identical JENNIFER BLOMQUIST trademark within the disputed domain name constitutes use as a source identifier for Complainant, thereby further evidencing Complainant's common law trademark rights. The disputed domain name is confusingly similar to Complainant's JENNIFER BLOMQUIST trademark, according to Complainant, because it contains that identical trademark as well as the dominant portion of Complainant's BLOMQUIST BUILDER'S GROUP trademark. The terms "built buy [sic]" do nothing to alleviate consumer confusion, according to Complainant, because they are descriptive terms that reference the construction services performed by Complainant.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name. According to Complainant, it is clear Respondent adopted the disputed domain name for the purpose of harming Complainant, and to trick Complainant's clients and potential clients into thinking they would be visiting Complainant's website. Complainant also asserts that Respondent is not making a legitimate noncommercial fair use of the disputed domain name because: (i) Respondent makes use of Complainant's identical JENNIFER BLOMQUIST trademark within the disputed domain name, and makes use of the dominant portion of Complainant's BLOMQUIST BUILDER'S GROUP trademark within the disputed domain name, thereby creating an impermissible risk of user confusion through impersonation; and (ii) Respondent fails to rebut Complainant's evidence that Respondent agreed to set up and maintain a website for Complainant in exchange for compensation, as well as coerced other discounts from Complainant along the way. According to Complainant, while it "recognizes Respondent has the right to express its views online, this does not translate into a right to identify itself as associated with Complainant". Finally, Complainant argues that all of the authority cited by Respondent is distinguishable because the relevant disputed domain names clearly indicated on their face that they were used for review or criticism by adding terms like "review" or "sucks", or because the complainant failed to make an initial *prima facie* showing under the first or second element of the Policy.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) Respondent's intent to use the disputed domain name to create initial interest confusion with Complainant amongst Internet users; (ii) Respondent's actual knowledge of Complainant's trademark rights prior to registering the disputed domain name; (iii) Respondent's registration of the disputed domain name "out of spite, after tensions escalated between herself and Complainant" to "lure and trick consumers into visiting her website under the belief that consumers would be visiting a legitimate website pertaining to Complainant's goods and services"; (iv) Respondent's purpose of "harassing and disparaging", "defam[ing] Complainant's business" and "interfering with Complainant's business"; (v) Respondent's pattern of abusive domain name registrations targeting Complainant; and (vi) Respondent's conscious decision not to host her criticism about Complainant on any of her other domain names, like <beforeyoubuyhere.com>, which do not include Complainant's identical trademark.

B. Respondent

Respondent challenges the relationship between Jennifer Blomquist and Complainant, as well as any license or authorization that would provide Complainant with either standing under the Policy or common law trademark rights in the JENNIFER BLOMQUIST personal name. Respondent also contends that personal names are not protected under the Policy, and that merely having a well-known name is not sufficient to show unregistered trademark rights. Moreover, Respondent asserts that Complainant has failed to provide any evidence of acquired distinctiveness for either putative trademark, such as: (i) public recognition exclusively with Complainant's services; (ii) number of sales under the mark; (iii) the nature and extent of advertising; (iv) consumer surveys; or (v) media recognition.

Respondent asserts that it clearly has a legitimate noncommercial interest in, and is making fair use of, the disputed domain name. More specifically, Respondent argues that: (i) the clear purpose of the disputed domain name, as clearly stated by Respondent's website banner and website content, is to "share my experience, illustrated with photos and videos, for anyone who might be considering building a home with Jennifer Blomquist"; (ii) Respondent genuinely believes the criticisms on her website, which lacks any commercial components, to be well-founded; (iii) it is immediately apparent to Internet users visiting Respondent's website is not operated by Complainant; (iv) Respondent has refrained from registering all or most of the obvious domain names suitable for use by Complainant, as demonstrated by the list of domain names Complainant currently uses for its official website; and (v) the lack of any misaddressed emails or correspondence sent to Respondent but intended for Complainant. Respondent asserts that its website is not a pretext for commercial gain, rather it is clearly focused on noncommercial, protected speech. Respondent provided a sworn declaration which states, "I registered the [disputed domain name] to express my First Amendment rights [...] related to my nightmare home buying experience" and "I have gone, and continue to go to great lengths to make it clear that the domain is not operated by [Complainant] or Jennifer Blomquist and is merely a personal blog related to my firsthand experience[...]" Finally, Respondent denies the veracity of claims that Respondent ever received or coerced any form of compensation from Complainant in connection with the disputed domain name.

Respondent argues that Complainant's allegations concerning harassment, disparagement, and defamation are not appropriate subject matter for the Policy, as opposed to ongoing litigation between the parties a court of competent jurisdiction. Respondent also argues that it lacks bad faith because it lacks any commercial gain from the disputed domain name, and that Respondent's noncommercial fair use of the disputed domain name cannot constitute bad faith.

6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;

- ii. 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

To establish unregistered or common law trademark rights for purposes of the Policy, Complainant must show that its mark has become a distinctive identifier which consumers associate with Complainant's goods and/or services. Specific evidence demonstrating such acquired distinctiveness is required, rather than mere conclusory assertions of common law trademark ownership. Such evidence includes: (i) the duration and nature of use of the mark; (ii) the amount of sales under the mark; (iii) the nature and extent of advertising using the mark; (iv) the degree of actual consumer, public and media recognition; and (v) consumer surveys. In addition, the fact that a respondent has clearly targeted a complainant and their trademark can also support a finding of acquired distinctiveness and common law trademark rights for purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

Complainant has proffered evidence that: (i) Complainant has used the BLOMQUIST BUILDER'S GROUP and JENNIFER BLOMQUIST trademarks since as early as 2003 in connection with Complainant's real estate development and construction services; (ii) Complainant has received numerous online reviews from consumers using the JENNIFER BLOMQUIST mark to refer to Complainant's services; (iii) Complainant maintains numerous domain names, websites, and social media profiles that all use the BLOMQUIST BUILDER'S GROUP and JENNIFER BLOMQUIST trademarks; and (iv) Respondent's use of Complainant's JENNIFER BLOMQUIST trademark within the disputed domain name constitutes an admission that the mark serves as a source identifying function. Complainant also submitted a sworn declaration by Jennifer Blomquist averring to all of the foregoing. Accordingly, the Panel finds sufficient evidence to establish Complainant's unregistered common law trademark rights for purposes of the Policy.

In addition, as observed by the panel in the initial *Blomquist Builder's Group* case, "there is no doubt whatsoever that the Respondent herself has registered the [disputed domain name] by specific reference to [Complainant]" and "Respondent is not in a strong position to doubt that [BLOMQUIST BUILDER'S GROUP and JENNIFER BLOMQUIST] have served as source identifiers for Complainant's real estate offerings". *Blomquist Builder's Group, Inc. v. Domains By Proxy, LLC / Denise L Chapman, supra*.

Respondent's argument that personal names are not protected under the Policy is misplaced. "Where a personal name is being used as a trademark-like identifier in trade or commerce, the complainant may be able to establish unregistered or common law rights in that name for purposes of standing to file a UDRP case where the name in question is used in commerce as a distinctive identifier of the complainant's goods or services." [WIPO Overview 3.0](#), section 1.5.1. It is true that "[m]erely having a famous name (such as a businessperson or cultural leader who has not demonstrated use of their personal name in a trademark/source-identifying sense), or making broad unsupported assertions regarding the use of such name in trade or commerce, would not likely demonstrate unregistered or common law rights for purposes of standing to file a UDRP complaint." *Id.* However, the evidence proffered by Complainant is sufficient to establish common law trademark rights for purposes of the Policy. See *e.g. Blomquist Builder's Group, Inc. v. Domains By Proxy, LLC / Denise L Chapman, supra* ("Respondent obviously believed that consumers would associate the Domain Name with Complainant's homes, which Respondent wished to criticize").

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's BLOMQUIST BUILDER'S GROUP or JENNIFER BLOMQUIST trademarks. In this Complaint, the disputed domain name is confusingly similar to Complainant's JENNIFER BLOMQUIST trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the entirety of the trademark is contained within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name [...] [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name,

the domain name will normally be considered confusingly similar[...]). In regards to gTLDs, such as “.com” in the disputed domain name, they are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.

The combination with the term “built by” does not prevent a finding of confusing similarity between Complainant’s JENNIFER BLOMQUIST trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.8 (Additional terms “whether descriptive, geographic, pejorative, meaningless, or otherwise” do not prevent a finding of confusing similarity under the first element); see also *The Chemours Company FC, LLC v. Russell Paulding*, WIPO Case No. [D2022-3875](#) (finding confusing similarity where, “the Panel notes that the entire TEFLON mark is included in the disputed domain name, adding only the words ‘protected’ and ‘by’”). Any connotation created by the term “built by”, whether as impersonation of Complainant, or intended as a form of critical commentary of Complainant, more appropriately bears on assessment of the second and third elements of the Policy.

In view of the foregoing, the Panel concludes that Complainant has established the first element of the Policy.

B. Rights or Legitimate Interests

Complainant must make out a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name, shifting the burden of production on this element to Respondent to come forward with evidence demonstrating such rights or legitimate interests. Pursuant to paragraph 4(c)(iii) of the Policy, Respondent may establish its rights or legitimate interests in the disputed domain name, among other circumstances, by showing: “you [Respondent] 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.”

“Generally speaking, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

UDRP panels have articulated a broad continuum of factors useful in assessing possible implied sponsorship or endorsement. At one end, certain geographic terms (e.g., <trademark-usa.com>, or <trademark.nyc>), or terms with an “inherent Internet connotation” (e.g., <e-trademark.com>, <buy-trademark.com>, or <trademark.online>) are seen as tending to suggest sponsorship or endorsement by the trademark owner. At the other extreme, certain critical terms (e.g., <trademarksucks.com>) tend to communicate, *prima facie* at least, that there is no such affiliation. In between, certain additional terms within the trademark owner’s field of commerce or indicating services related to the brand, or which are not obviously critical (e.g., <okidataparts.com>, <nascartours.com>, <covancecampaign.com>, or <meissencollector.com>), may or may not by themselves trigger an inference of affiliation, and would normally require a further examination by the panel of the broader facts and circumstances of the case – particularly including the associated website content – to assess potential respondent rights or legitimate interests.” [WIPO Overview 3.0](#), section 2.5.1.

The disputed domain name contains the identical JENNIFER BLOMQUIST trademark plus the additional terms “built by”. The disputed domain name does not contain geographic or Internet-based terms tending to automatically imply sponsorship or endorsement. Nor does it contain any critical terms like “sucks”. Rather, the additional term “built by” can potentially have multiple meanings. The term could imply that Respondent’s website was built by, or is otherwise sponsored or endorsed by, Complainant; indeed this is perhaps the most natural reading. The term could potentially connote, especially upon review of Complainant’s website and accompanying disclaimer, that Respondent’s website is about her home which was indeed built by Complainant. Thus, the Panel finds that the disputed domain name itself does not objectively trigger an impermissible risk of user confusion through impersonation, thereby necessitating a further examination of the broader facts and circumstances of this case.

“To support fair use under paragraph 4(c)(iii), the respondent’s criticism must be genuine and noncommercial; in a number of UDRP decisions where a respondent argues that its domain name is being used for free speech purposes the panel has found this to be primarily a pretext for cybersquatting, commercial activity, or tarnishment.

Panels find that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark (*i.e.*, <trademark.tld> (including typos)); even where such a domain name is used in relation to genuine noncommercial free speech, panels tend to find that this creates an impermissible risk of user confusion through impersonation. In certain cases, involving parties exclusively from the United States, some panels applying US First Amendment principles have found that even a domain name identical to a trademark used for a *bona fide* noncommercial criticism site may support a legitimate interest.

Where the domain name is not identical to the complainant’s trademark, but it comprises the mark plus a derogatory term (*e.g.*, <trademarksucks.tld>), panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site if such use is *prima facie* noncommercial, genuinely fair, and not misleading or false. Some panels have found in such cases that a limited degree of incidental commercial activity may be permissible in certain circumstances (*e.g.*, as “fundraising” to offset registration or hosting costs associated with the domain name and website).”

[WIPO Overview 3.0](#), section 2.6 *et seq.* See also the discussion of a holistic assessment in *Everytown for Gun Safety Action Fund, Inc. v. Contact Privacy Inc. Customer 1249561463 / Steve Coffman*, WIPO Case No. [D2022-0473](#).

The Panel concludes that the relevant factual record with respect to the disputed domain name is not much different from the factual record upon which the initial *Blomquist Builder’s Group* case was decided back on March 16, 2022. To summarize, Respondent was compensated by Complainant to register a domain name and create a website, which she ultimately directed to critical content. Respondent continued to register new domain names containing Complainant’s identical common law trademarks (whether the name of Complainant’s development projects, Complainant’s trade name, or name of the owner of Complainant) and direct them to the same critical content. The panel in the initial *Blomquist Builder’s Group* essentially held that Respondent registered each domain name either for direct financial consideration or to coerce additional discounts from Complainant. Respondent now broadly denies it ever intended to coerce any consideration, characterizing it as a “factual claim [...] which ha[s] no veracity or relevance to the instant case even if those claims were based in reality: which they are not”.

Nevertheless, the Panel views the disputed domain name in this case as being no different from those in the initial *Blomquist Builder’s Group* case. The disputed domain name is part of an ongoing pattern of conduct by Respondent to coerce discounts or concessions or consideration from Complainant through the registration and use of multiple domain names incorporating Complainant’s identical common law trademarks amidst an ongoing acrimonious dispute between the parties concerning Complainant’s services and statements made by Respondent about Complainant’s services. In sum, the factual record here undermines Respondent’s “free speech” arguments, and color Respondent’s purported motivation as pretextual or commercial more than anything else. .

The Panel is cognizant that both parties are exclusively from the United States and that First Amendment principles may trump trademark rights under certain uses of domain names for *bona fide* noncommercial criticism. However, this does not appear to be one of those situations, and the Policy does not permit discovery that the parties might use to convince the Panel otherwise. *Cf. People For Ethical Treatment of Animals (PETA) v. Doughney*, 263 F.3d 359 (4th Cir. 2001) (successfully recovering the <peta.org> domain name where Defendant “made statements on his website and in the press recommending that PETA attempt to ‘settle’ with him and ‘make him an offer” and a cybergriper “registered other domain names that [were] identical or confusingly similar to the marks or names of other famous people and organizations”); *and Dominion Bank v. Karpachev*, 188 F.Supp.2d 110 (D.Mass. 2002) (successfully recovering sixteen typosquatted domains from a cybergriper who was a disgruntled customer); *with Bosley Medical Institute*,

Inc. v. Kremer, Civil No. 01-1752 at 13-15 (S.D. Cal. Apr. 29, 2004) (failing to recover the <boselymedical.com> domain name from a cybergriper who was a disgruntled customer based on lack of evidentiary support for “attempt to extort money” and “threatening publication of derogatory, critical information on websites”); *TMI, Inc. v. Maxwell*, 368 F.3d 433 (5th Cir. 2004) (failing to recover the <trendmakerhome.info> domain name from a cybergriper who was a disgruntled customer based on *inter alia* the lack of any commercial conduct or content).

In view of the foregoing, the Panel concludes that Complainant has established the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent’s documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel incorporates its discussion above in the “rights or legitimate interests” section and the Panel also concludes that Respondent has registered and used the disputed domain name in bad faith for the reasons set forth in the previous section. In summary, Respondent populated Complainant’s website with critical content, Respondent continued to register multiple new domain names containing Complainant’s identical trademarks, Respondent directed them all to the same content, and the evidence supports Complainant’s argument that Respondent did so as part of an ongoing pattern to coerce discounts, concessions, or financial consideration from Complainant.

It bears repeating that “nothing in this decision would prevent Respondent from airing her grievances about Complainant via another domain name that was not virtually identical to the latter’s mark”. Here are a few recent examples of domain names that contain critical terms and were used for noncommercial purposes. See e.g. *Ryan Kavanaugh v. Proxy Protection LLC, Proxy Protection LLC / Love Ostlund cunow, web10media AB*, WIPO Case No. [D2022-0056](#) (<doesryankavanaughlooklikeharveyweinstein.com>); *Audacia Capital (Ireland) Plc v. Domain Admin, Whois Privacy Corp*, WIPO Case No. [D2021-2286](#) (denying transfer of <audaciabondscam.com>, but transferring <audaciabond.com> and <investinaudacia.com>); and *Royal Institution of Chartered Surveyors v. Martin Rushton*, WIPO Case No. [D2016-0951](#) (denying transfer of <rics-corruption.com>, but transferring <ricsfrance.com>).

In view of the foregoing, the Panel concludes that Complainant has established the third element 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, <builtbyjenniferblomquist.com> be transferred to Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: October 27, 2023