

ADMINISTRATIVE PANEL DECISION

DeepMind Technologies Limited v. Molet Eolet
Case No. D2024-0071

1. The Parties

The Complainant is DeepMind Technologies Limited, United Kingdom, represented by Baker & McKenzie, United Kingdom.

The Respondent is Molet Eolet, China.

2. The Domain Name and Registrar

The disputed domain name <deepmindagi.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 January 9, 2024. On January 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 10, 2024, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 2024, 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 amended Complaint on January 22, 2024.

The Center verified that the Complaint together with the amended 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 January 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2024.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on February 23, 2024. 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 a British company operating in the field of artificial intelligence research and development around the world. It merged with Google in 2014. It is the proprietor of a substantial portfolio of registrations for its DEEPMIND mark in numerous jurisdictions, including the following:

- European Union Trade Mark No. 017920425 for DEEPMIND (word mark), registered on May 22, 2019 for goods and services in classes 7, 9, 10, 12, 16, 28, 35, 38, 41, 42 and 44;
- Chinese Trademark No. 17825625 for DEEPMIND (word mark), registered on November 14, 2018 for services in class 42.

The Complainant operates its primary website at the domain name <deepmind.google.com>.

The disputed domain name was registered on April 9, 2023. At the time of this Decision, it did not resolve to an active website. The record contains evidence that it previously resolved to a website featuring the Complainant's DEEPMIND mark, along with images, videos and text copied from the Complainant's website.

There is no information available about the Respondent.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that its distinctive DEEPMIND mark is reflected in its entirety in the disputed domain name, together with the descriptive term "agi," which has an industry meaning of "artificial general intelligence." The Respondent is not in any way affiliated with the Complainant, and the website established by the Respondent is an attempt to disrupt the business of the Complainant. On this website, the Respondent has set out links to various social media platforms; some of these link lead to the Complainant's own accounts, thereby perpetuating an impression of a false association. The text and images on the Respondent's website are copied directly from the Complainant's "Overview—Our Vision" page. The Respondent's website lists key employees of the Complainant and contains links to the Complainant's website.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

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

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant’s DEEPMIND mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “agi”) may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that there is no evidence that the disputed domain name is being used in connection with a bona fide offering of goods or services, or that the Respondent is commonly known by the disputed domain name or is making legitimate noncommercial or fair use thereof. The disputed domain name reflects the Complainant’s DEEPMIND mark together with a term that is recognized in the artificial-intelligence industry, which is inherently misleading and cannot support a finding of rights or legitimate interests.

The record contains evidence that the Respondent established a website featuring the Complainant’s mark, images, text and videos, along with links to the Complainant’s website and social-media accounts. Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant's DEEPMIND mark was registered several years prior to the registration of the disputed domain name, and the disputed domain name reflects that mark in its entirety, together with the descriptive and industry-specific term "agi." The Complainant has provided evidence that its mark has been widely used around the world and is well-known in the field of artificial intelligence. On this record, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Complainant has provided evidence that the Respondent operated a website that attempted to mislead Internet users by displaying the Complainant's mark, content, images, and videos, along with links to some of the Complainant's own social-media accounts and web pages. The Respondent has not attempted to provide a good-faith explanation for such conduct and the Panel does not find it credible that one exists. On this record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the 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 <deepmindagi.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: February 29, 2024