

ADMINISTRATIVE PANEL DECISION

Josip Heit and GSB Gold Standard Corporation AG v. Gsb Global
Case No. DCO2024-0004

1. The Parties

The Complainants are Josip Heit and GSB Gold Standard Corporation AG, Germany, represented by Irle Moser Rechtsanwälte, Germany.

The Respondent is Gsb Global, United States of America.

2. The Domain Name and Registrar

The disputed domain name <gsbglobal.co> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2024. On January 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 18, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on January 22, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on January 24, 2024.

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 January 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 15, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on February 20, 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 GSB Gold Standard Corporation AG is a corporation active in IT, software and blockchain technology.

The Complainant Josip Heit is the owner of the following trademark registrations:

- European Union trade mark registration number 018485283 for the word mark GSB GOLD STANDARD, registered on September 25, 2021 (with an application date of June 4, 2021) in International Classes 9, 36, 38 and 42.
- European Union trade mark registration number 018485280 for a figurative mark comprising a golden lion's head logo (the "Complainants' Logo"), registered on September 25, 2021 (with an application date of June 4, 2021) in International Classes 9, 36, 38 and 42.

The disputed domain name was registered on July 1, 2021.

According to evidence produced by the Complainants, the disputed domain name resolved to a website that was headed with the Complainants' Logo and the wording "GSB Gold Standard Group". It included information "About GSB GLOBAL" which appeared to refer to the Complainants, in addition to buttons labelled "Register" and "Login".

5. Parties' Contentions

A. Complainants

The Complainants submit that the disputed domain name is identical or confusingly similar to the trademark GSB GOLD STANDARD because it includes the element "gsb".

The Complainants submit that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants state that they have never authorized the Respondent to use the trademark GSB GOLD STANDARD. The Complainants further submit that the disputed domain name does not consist of "dictionary" terms and could not therefore be justified on that basis. The Complainants contend that the Respondent is in fact using the disputed domain name to confuse Internet users by using the Complainant's name and the Complainants' Logo. The Complainants submit that the Respondent's website is used to obtain data, including information from the Complainants' actual customers. The Complainants claim that the Respondent tries to generate financial income with the stolen data..

For the same reasons as set out above, the Complainants submit that the disputed domain name has been registered and is being used in bad faith.

The Complainants request the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Consolidation of Multiple Complainants

The principles to assess a request to consolidate multiple complainants are set forth in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1. Noting the circumstances of the case, the Panel finds that the Complainants have a specific common grievance against the Respondent, and that it would be equitable and procedurally efficient to permit the consolidation. According to the Complainant's website, the Complainant Josip Heit is the chairman of the Complainant GSB Gold Standard Corporation AG. Hence, the Panel finds that the Complainants have a common legal interest.

Accordingly, the Panel accepts the Complainants' request to consolidate the present proceedings pursuant to the Rules, paragraph 10(e). The Complainants are hereinafter referred to as the "Complainant."

6.2. Substantive Issues

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 that it is the owner of registered trademark rights for the mark GSB GOLD STANDARD. The Panel finds the term "gsb" to be the dominant feature of the Complainant's trademark, albeit used in conjunction with the dictionary terms "gold" and "standard". The disputed domain name commences with the term "gsb", followed by the dictionary term "global", and the Panel therefore finds the Complainant's trademark to be recognizable within the disputed domain name for the purposes of the first element under the Policy.

The Panel further notes that the Respondent has used the disputed domain name to impersonate the Complainant (see below), and that relevant website content may be a confirmatory factor in assessing confusingly similarity: see e.g. sections 1.7 and 1.15 of [WIPO Overview 3.0](#).

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests, and C. Registered and Used in Bad Faith

The Panel finds it convenient in this case to consider the second and third elements under the Policy together, since similar factors inform the Panel's findings under each such element.

The Complainant has demonstrated that the Respondent has used the disputed domain name for the purpose of a website which adopts the Complainant's trademarks GSB GOLD STANDARD and the Complainants' Logo and clearly purports to be an official website of the Complainant. The website appears to include the facility for Internet users to provide their personal details, and there can be no serious doubt in the circumstances that the website is intended for the purposes of fraud.

The Respondent's name per the Whois record for the disputed domain name is "Gsb Global", and paragraph 4(c)(ii) of the Policy is thus potentially relevant. However, for the reasons discussed above, it is likely that the Respondent adopted this name and registered the disputed domain name in order to benefit from confusion with the Complainant.

In these circumstances, the Respondent can have no rights or legitimate interests in respect of the disputed domain name.

For similar reasons, the Panel concludes that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

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, <gsbglobal.co>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: March 5, 2024