

ADMINISTRATIVE PANEL DECISION

Trustpilot A/S v. Privacy Service Provided by Withheld for Privacy ehf /
Devid NullPickle
Case No. D2022-0858

1. The Parties

The Complainant is Trustpilot A/S, Denmark, represented by Lewis Silkin LLP, United Kingdom.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Devid NullPickle, Netherlands.

2. The Domain Names and Registrar

The disputed domain names <trustpilot.net> and <trustpilot.org> are registered with NameCheap, Inc. NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2022. On March 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on March 15, 2022, 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 March 15, 2022.

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 March 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 12, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on April 29, 2022. 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 globally active and widely known consumer review website founded in Denmark in 2007. Since March 23, 2021, the Complainant has been listed on the London Stock Exchange.

The Complainant is the owner of the TRUSTPILOT trademark, which is registered as word and figurative trademarks in various jurisdictions. For instance, the Complainant is the owner of the European Union Trade Mark Registration No. 9937624, registered on December 8, 2011, covering protection for goods and services as protected in classes 9, 35, 38 and 42 (Annex 2 to the Complaint).

The Complainant further owns and operates its official website at “www.trustpilot.com” (Annex 3 to the Complaint).

Both disputed domain names were registered on May 18, 2021.

The Respondent is reportedly an individual located in the Netherlands.

As to the provided screenshots and information by the Complainant, the disputed domain <trustpilot.net> resolves to a website identical to the Complainant’s official website (Annex 4 to the Complaint). The disputed domain name <trustpilot.org> does not resolve to an active website.

5. Parties’ Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain names.

The Complainant is of the opinion that the disputed domain names are “virtually identical” to its TRUSTPILOT trademark.

The Complainant further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

In addition, the Complainant is convinced that the Respondent has registered and is using the disputed domain names in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in TRUSTPILOT (Annex 2 to the Complaint).

The Panel further finds that the disputed domain names are confusingly similar to the Complainant's registered TRUSTPILOT trademark. As stated at section 1.9 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, misspellings would not prevent a finding of confusing similarity.

In the present case, the Panel notes that disputed domain names incorporate an apparent misspelling of the Complainant's TRUSTPILOT trademark by simply transposing the letters "l" and "i", which in view of the Panel, still makes the Complainant's TRUSTPILOT well recognizable within the disputed domain names.

Hence, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's TRUSTPILOT trademark.

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

B. Rights or Legitimate Interests

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent's rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain names to meet the requirements of paragraph 4(a)(ii) of the Policy. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license or alike to use the Complainant's TRUSTPILOT trademark in a confusingly similar way within the disputed domain names. There is also no indication in the current record that the Respondent is commonly known by the disputed domain names.

There is particularly no doubt that the Respondent was well aware of the Complainant and its TRUSTPILOT trademark before registering and using the disputed domain names. The Panel is convinced that the

Respondent has deliberately chosen the disputed domain names to cause confusion with the Complainant and its business among Internet users.

Bearing all this in mind, the Panel finds that the Respondent is not making a *bona fide* offering of goods or services of the disputed domain names nor a legitimate noncommercial or fair use.

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

C. Registered and Used in Bad Faith

The Panel believes that the Respondent has registered and is using the disputed domain names in bad faith.

It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain names to target and mislead Internet users who particularly are searching for the Complainant and its services. Consequently, the Panel is convinced that the Respondent has registered the disputed domain names in bad faith.

Additionally, the Panel finds that the Respondent is using the disputed domain names in bad faith. By using a website linked to the disputed domain name <trustplot.net>, which is an identical copy of the Complainant's official website (Annex 4 to the Complaint), including identical copies of the Complainant's word and figurative TRUSTPILOT trademarks, the Panel is convinced that the Respondent intentionally tries to misrepresent itself as the trademark owner to misled Internet users for fraudulent or illegitimate purposes. In view of the Panel, this obviously indicates that the Respondent tries to deliberately mislead consumers in their believing that the services provided on the Respondent's website originate from the Complainant.

The fact that the disputed domain name <trustplot.org> does not resolve to an active website does not prevent a finding of bad faith.

All in all, the Panel cannot conceive of any plausible and legitimate use of the disputed domain names that would be in good faith, except with an authorization of the Complainant.

Consequently, and taking the facts of the case into consideration, the Panel believes that this is a typical typosquatting case. The Panel therefore concludes that the disputed domain names were registered and are being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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 names <trustplot.net> and <trustplot.org> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: May 16, 2022