

ADMINISTRATIVE PANEL DECISION

Bitrise Limited v. Withheld for Privacy ehf / Name Redacted
Case No. D2022-0931

1. The Parties

The Complainant is Bitrise Limited, United Kingdom (or “UK”), represented by Withers LLP., United Kingdom.

The Respondent is Withheld for Privacy ehf, Iceland / Name Redacted¹, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <bitriselimited.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 16, 2022. On March 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 17, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 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 amended Complaint on March 22, 2022.

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”).

¹ The Respondent appears to have used the name of the Complainant’s Chief Executive Officer when registering the Domain Name. In light of the identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 19, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on May 9, 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 UK based company that owns and operates a continuous integration and delivery "software as a service" platform used by companies and individuals to build, develop and maintain mobile applications. It has carried on business under the name "Bitrise" since May 2015. The Complainant assists customers with over 2 million software builds each month and has over 6,000 international and well-known customers.

The Complainant is the proprietor of a number of registered trademarks comprising the BITRISE name, including European Union trademark number 016913352 BITRISE registered on October 24, 2017 and the comparable United Kingdom trademark number 009016913352 BITRISE, created following the United Kingdom's exit from the European Union and also treated as registered on October 24, 2017.

The Domain Name was registered on February 14, 2022 in the name of a privacy service. According to the Registrar's records, the Domain Name was registered using the name of the Chief Executive Officer ("CEO") (and director) of the Complainant and the registered office address of the Complainant. The Domain Name resolves to an active website purporting to be operated by the Complainant, Bitrise Limited, stating that its company registration number is that of the Complainant and listing as its address the registered office address of the Complainant. The home page includes a quote falsely claiming to be from the Complainant's CEO.

The website states that "BitRise Limited is a profitable and reliable cryptocurrency investment company..." It solicits investments in cryptocurrency. The website is in poor English.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its BITRISE trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Mark together with the word “limited”. In the Panel’s view, the addition of this word, resulting in the Domain Name being identical to the name of the Complainant, does not prevent a finding of confusing similarity between the Domain Name and the Mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods or services but for a website impersonating the Complainant, purporting to have the company registration number of the Complainant and the address of the Complainant, and soliciting investment in cryptocurrency. Such activity cannot possibly give rise to rights or legitimate interests in respect of the Domain Name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In view of the nature of the Domain Name, comprising the name of the Complainant, and the Respondent’s impersonating the Complainant, there can be no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The Respondent registered the Domain Name using false contact details. It is using the Domain Name to deceive Internet users into believing that the Domain Name and the associated website are being operated by the Complainant, no doubt for fraudulent commercial gain by dishonestly soliciting investments by false pretenses.

The Panel is in no doubt that this amounts to paradigm bad faith registration and use within the meaning of paragraph 4(b) of the Policy. In the circumstances, the Panel finds that the 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 Domain Name <bitriselimited.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: May 20, 2022