

ADMINISTRATIVE PANEL DECISION

Sfanti Grup Solutions v. Super Privacy Services LTD c/o Dynadot / Ion Danilov

Case No. D2022-1273

1. The Parties

The Complainant is Sfanti Grup Solutions c/o Walters Law Group, United States of America (“United States”).

The Respondent is Super Privacy Services LTD c/o Dynadot, United States / Ion Danilov, Republic of Moldova.

2. The Domain Name and Registrar

The disputed domain name <megapersonals.one> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2022. On April 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 12, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 12, 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 April 12, 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 April 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 4, 2022.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on May 11, 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 provides online dating services.

The mark MEGAPERSONALS has been in use since 2004.

The Complainant owns the United States trademark registration for MEGAPERSONALS, no. 6432591, registered on July 27, 2021, in class 45. The corresponding application was filed on October 26, 2020 and published on May 11, 2021. According to the certificate of registration, the trademark was first used in commerce on March 30, 2004.

The Complainant's operates its official website under the domain name <megapersonals.com>, registered on June 12, 2003.

The disputed domain name was registered on June 24, 2021.

At the time of filing of the Complaint, the disputed domain name redirected users to a website purportedly offering commentary on the Complainant's services, but also featuring links to competing websites.

On February 17, 2022, the Complainant sent a cease-and-desist letter to the Respondent. The Respondent did not reply.

5. Parties' Contentions

A. Complainant

According to the Complainant, the disputed domain name is confusingly similar to its MEGAPERSONALS registered trademark as it identically reproduces its trademark, the generic Top-Level Domain ("gTLD") ".one" being disregarded due to its purely technical function.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for the following reasons: (i) the Respondent is not commonly known by the disputed domain name; (ii) the Respondent is not affiliated nor authorized by the Complainant in any way; specifically no license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks, or apply for registration of the disputed domain name; (iii) the disputed domain name redirects users to a website featuring links to the Complainant's direct competitors.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. According to the Complainant, the Respondent was aware of the existence of the Complainant and of its trademark when it registered the disputed domain name. The Complainant further asserts that despite deceptively attempting to appear as if the Respondent is merely offering commentary on the Complainant's services, the Respondent is in fact diverting Internet traffic to the Complainant's direct competitors. The lack of response to the cease-and-deist letter and the fact that the Respondent can't be identified due to a Whois privacy wall is, according to the Complainant, further evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (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 disputed domain name is identical to the Complainant's MEGAPERSONALS trademark.

UDRP panels accept that a gTLD, such as ".one", may be disregarded when assessing whether a domain name is identical or confusing similar to a trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11).

The Panel finds accordingly that the Complainant has successfully established the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Based on the information submitted by the Complainant, the Respondent does not appear to have rights or legitimate interests in respect of the disputed domain name, nor has the Complainant granted to the Respondent an authorization to use the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

In addition, based on the evidence provided by the Complainant, the Respondent has used the disputed domain name to redirect Internet users to third party websites in direct competition with the Complainant, almost certainly for the Respondent's commercial gain, which is not a legitimate noncommercial purpose.

Finally, the Respondent did not file a response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

In view of the above, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and that the Respondent's silence has not rebutted such *prima facie* case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Complainant has satisfied the condition set out in paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant's United States trademark MEGAPERSONALS no 6432591 was registered after the registration of the disputed domain name. However, the filing date of this trademark predates the registration of the disputed domain name. Moreover, the Complainant's trademark has been used in connection with offerings of the Complainant or of its predecessors in interest, since at least 2004.

Furthermore, the Respondent used the disputed domain name (identical to the Complainant's trademark) in connection with an active website purportedly offering commentary on the Complainant's services, but featuring links to competing websites. Accordingly, there is therefore no doubt in the Panel's eyes that the Respondent was aware of, and intended to unfairly capitalize on, the Complainant's trademark at the time of registration of the disputed domain name.

In the present case, by redirecting the disputed domain name to websites competing with the Complainant, the Respondent intentionally tried to create a likelihood of confusion with the Complainant's trademark. Although the nature of the commercial gain of the Respondent is unknown, the Panel finds it likely that the Respondent received, or hoped to receive, pay-per-click fees or advertising commissions for redirecting the disputed domain name to such competing websites.

UDRP panels have found that redirecting a domain name to various third party websites, including competing websites, may support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark, a behavior which amounts to bad faith according to paragraph 4(b)(iv) of the Policy (see [WIPO Overview 3.0](#), section 3.1.4).

For the reasons set out above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, and that the Complainant has satisfied the condition set forth in 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 name <megapersonals.one> be transferred to the Complainant.

/Anne-Virginie La Spada/
Anne-Virginie La Spada
Sole Panelist
Date: May 25, 2022