

ADMINISTRATIVE PANEL DECISION

Intuit Inc. v. Sukanya sharma
Case No. D2022-4990

1. The Parties

The Complainant is Intuit Inc., United States of America, represented by Fenwick & West, LLP, United States of America ("United States").

The Respondent is Sukanya sharma, United States.

2. The Domain Name and Registrar

The disputed domain name <qbdataservicesupport.com> is registered with Domain.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 26, 2022. On December 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 27, 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 (Domain Privacy Service FBO Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2023 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 6, 2023.

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 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 7, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on February 15, 2023. 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 software company that provides accounting software under the mark QUICKBOOKS. It owns registrations for that mark (e.g., United States Reg. No. 2630752, registered on October 8, 2002) and also has registrations for the mark QB (which is an abbreviation of the QUICKBOOKS mark, e.g., United States Reg. No. 2884243, registered on September 14, 2004). According to the Whois records, the disputed domain name was registered on June 26, 2019. The Respondent has used the disputed domain name to establish a website purporting to offer various services relating to the Complainant's products.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element under the Policy functions primarily as a standing requirement. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the QB mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the QB mark in its entirety with the term "dataservicesupport", which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's QB mark. See [WIPO Overview 3.0](#), section 1.8. The QB mark remains recognizable for a showing of confusing similarity under the Policy.

The content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element. See [WIPO Overview 3.0](#), section 1.15. In some instances, however, panels have taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears *prima facie* that the respondent seeks to target a trademark through the disputed domain name. Guided by these principles, the Panel takes note of the content of the Respondent's website – which purports to provide data services related to the Complainant's products – to confirm the confusing similarity between the disputed domain name and the Complainant's mark.

The Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that the Respondent is not commonly known by the disputed domain name nor has the Complainant authorized or licensed to the Respondent any rights in the QB mark. Instead, the Respondent has used the disputed domain name to establish a website that could confuse visitors into thinking the services provided at the site are provided by the Complainant.

Additionally, the Complainant asserts that it believes the Respondent uses the disputed domain name in connection with a "phishing" scheme designed to deceive internet users into voluntarily divulging private information. The disputed domain name resolves to a website that, on information and belief, attempts to steal personal information from users who mistakenly believe that the website is a legitimate site affiliated with the Complainant.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

Because the QB mark is well known, the composition of the disputed domain name reproduces the terms "data service support" (connected to the Complainant, and its products) and because the content of the website associated with the disputed domain name specifically mentions the Complainant's products, it is implausible to believe that the Respondent was not aware of the QB mark when it registered the disputed domain name. In the circumstances of this case, these facts are sufficient to establish bad faith registration of the disputed domain names.

Bad faith use is clear from the Respondent's activities of using the disputed domain name to set up a website that appears to seek to deceive internet users into believing the site is provided by or affiliated with the Complainant. Bad faith in the circumstances of this case is also confirmed from the Respondent's use of a privacy service to register the disputed domain name.

Accordingly, the Panel finds that the Complainant has established this third element under 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 <qbdataservicesupport.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: March 1, 2023