

ADMINISTRATIVE PANEL DECISION

Helpful Things, LLC v. Ion Danilov
Case No. DCC2022-0012

1. The Parties

Complainant is Helpful Things, LLC, United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

Respondent is Ion Danilov, Republic of Moldova.

2. The Domain Name and Registrar

The disputed domain name <doublelist.cc> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 29, 2022. On November 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 30, 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 (See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on December 2, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 5, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on December 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 17, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on January 27, 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

Complainant is the owner of the DOUBLELIST online dating platform launched in 2018 that enables individuals to chat and connect with each other. Per the Complaint, Complainant has approximately three million users in the United States. Complainant's business is solely operated through its official website at "www.doublelist.com" and its domain name was registered on March 23, 2018. Complainant holds the United States trademark registration No. 5,962,633 DOUBLELIST (word), filed on May 30, 2019, and registered on December 3, 2019, for services in International Classes 38 and 45.

The Domain Name was registered on July 7, 2021, and at the time of filing of the Complaint resolved to a website reproducing the Complainant's trademark DOUBLELIST in its entirety that, per the Complaint, published false and defamatory statements about Complainant's DOUBLELIST offering, namely that Complainant offered escort/prostitution services, and advertised commercial links to various competitive third-party sites and services (the "Website"). Internet users that clicked on the "Start Search" button at the top were redirected to the sign-up pages of various competitive third-party sites that provided dating/meetup services. A section at the bottom of the Website landing page stated that it was an "Internet marketing company" based in Midland, Texas, United States. There was, however, per the Complaint, no evidence that an entity existed at the listed address, nor was there any indication that the site-listed email address was real and associated with Respondent. There were, per the Complaint, in fact, no MX (mail exchange) records associated with the Domain Name, which shows that it could not be used to receive emails. The Website did not, to Complainant's knowledge, provide any sort of login facility that would enable Internet users to post comments on the resolving site's various blogs. A number of these blogs appeared to feature user comments by different individuals. All of these comments were under picture-less avatars, and none appeared to engage with the content of any particular blog in question. Further, none of the comments corresponded with one another. On the contrary, the comments were impersonal and random and have likely been created by the same author/process.

The Domain Name currently redirects to a competitor of Complainant's website.

5. Parties' Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements that Complainant must satisfy with respect to the Domain Names:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(ii) 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 Domain Name consists of the term DOUBLELIST.

The country code Top-Level Domain (“ccTLD”) “.cc” is disregarded, as ccTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is identical to the DOUBLELIST trademark of Complainant.

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

(i) before any notice to Respondent of the dispute, Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complainant, Respondent was not authorized to register the Domain Name.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, the Website published what are claimed to be false and defamatory statements about Complainant’s DOUBLELIST offering. Furthermore, the Website later redirected to Complainant competitors’ websites. A respondent’s use of a domain name identically corresponding to a complainant’s mark to point to a defamatory or competing site would not support a claim to rights or legitimate interests ([WIPO Overview 3.0](#), section 2.5).

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”,

are evidence of the registration and use of the Domain Name in “bad faith”:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name; or

(ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

Because the DOUBLELIST mark had been widely used and registered by Complainant before the Domain Name registration, and because the content (either the supposedly defamatory content or the competing services) clearly invoked Complainant and its services, the Panel finds that Respondent clearly had Complainant’s mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

As regards bad faith use, the Website directed users to third party competing websites. Use of the Domain Name reproducing the Complainant’s trademark DOUBLELIST seeking to take an unfair advantage of the Complainant’s trademark reputation, and redirecting the domain name to a different respondent-owned website also supports 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 ([WIPO Overview 3.0](#), section 3.1.4).

Under these circumstances and on this record, the Panel finds that Respondent registered and used the Domain Name in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

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, <doublelist.cc> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: February 10, 2023