

## ADMINISTRATIVE PANEL DECISION

### Graphic Solutions Group, Inc. v. Name Redacted

### Case No. D2023-0419

#### 1. The Parties

Complainant is Graphic Solutions Group, Inc., United States of America, represented by Ray Law Firm, United States of America (“United States”).

Respondent is Name Redacted.<sup>1</sup>

#### 2. The Domain Name and Registrar

The disputed domain name <gsgog.com> (hereinafter the “Disputed Domain Name”) is registered with Google LLC (the “Registrar”).

#### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 30, 2023. On January 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 31, 2023, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to Complainant on February 1, 2023, 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 February 3, 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”).

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<sup>1</sup> Respondent has used the names of Complainant and of an employee of Complainant when registering the disputed domain name. In light of the apparent identity theft, the Panel has redacted 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 disputed domain name, which includes the name of 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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 Respondent of the Complaint, and the proceedings commenced on February 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 10, 2023.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on March 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**

Complainant is a full service wholesale distributor to the apparel decorating, digital print, electrical sign, and commercial markets. Complainant owns a United States trademark registration for the mark GSG (Reg. No. 2,258,870) (Registered Jul 6, 1999) (the "Mark"). Complainant also owns the domain name <gogsg.com> (Registered in 2007), and uses the <gogsg.com> domain name for its company email addresses, used for external communications.

Respondent registered the Disputed Domain Name on January 24, 2023, long after Complainant registered its GSG mark. The webpage associated with the Disputed Domain Name is inactive. Complainant has presented evidence that Respondent has used the Disputed Domain Name to send fraudulent emails impersonating an employee of Complainant.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that the Disputed Domain Name is confusingly similar to its GSG mark, as the Disputed Domain Name incorporates the entirety of the Mark, only adding the letters "og" at the end of the Mark in order to create a domain name that is the inverse of Complainant's official domain name, <gogsg.com>. Complainant alleges that Respondent also created an email address associated with the Disputed Domain Name to send emails fraudulently purporting to be an employee of Complainant in order to redirect payments intended for Complainant to Respondent's bank account.

Next, Complainant states that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent is not affiliated with Complainant and Complainant has not authorized Respondent to use the Disputed Domain Name. According to Complainant, the Disputed Domain Name does not resolve to an active webpage. Complainant contends that Respondent only uses the Disputed Domain Name to impersonate an employee of Complainant as part of a fraudulent scheme to trick Complainant's customers into wiring funds to Respondent and/or provide their credit card information to Respondent. Complainant states that Respondent is impersonating of its employees, adopting this employee's name and listing the physical address of Complainant in the emails sent from the fraudulent account. Complainant contends that Respondent registered the Disputed Domain Name in order take unfair advantage of the goodwill and reputation of Complainant's GSG mark for its own commercial gain.

Finally, Complainant alleges that Respondent registered and continues to use the Disputed Domain Name in bad faith. Complainant offered evidence that, in an email using the Disputed Domain Name, Respondent falsely identified itself as one of Complainant's employees, and even falsely registered the Disputed Domain Name in her name, thereby committing identity theft. Complainant states that Respondent has used the email account associated with the Disputed Domain Name to impersonate personnel of Complainant, in an attempt to divert payments being made by customers of Complainant, to Respondent's bank account. Complainant contends that Respondent's use of the Disputed Domain Name to impersonate Complainant is evidence of bad faith as well as Respondent's knowledge of the Mark.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registration establishes that it has rights in the GSG mark. The Panel further finds that the Disputed Domain Name is confusingly similar to Complainant's Mark. Respondent's addition of the letters "og" does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.8.

### B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its trademark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Additionally, the use of an email account to send emails falsely purporting to be Complainant does not give rise to rights or legitimate interests in the Disputed Domain Name. Use of a domain name for illegal activity, such as impersonation, can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.

The Panel finds that Respondent does not have rights or a legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and used the Disputed Domain Name in bad faith. First, the Disputed Domain Name was registered on January 24, 2023, which was long after Complainant's trademark registration was registered in the United States in 1999. Moreover, the fact that Respondent uses the Disputed Domain Name to impersonate an employee of Complainant shows that Respondent intentionally chose the Disputed Domain Name to deceive Complainant's customers. See *Elkem ASA v. Domains By Proxy, LLC / Name Redacted*, WIPO Case No. [D2020-2077](#); see also *Speck Pumpen Verkaufsgesellschaft GmbH v. gjung gong, bowmanconsulting*, WIPO Case No. [D2021-1976](#). Therefore, the Panel finds that the Disputed Domain Name was registered in bad faith.

The Panel finds that Respondent continues to use the Disputed Domain Name in bad faith. Respondent explicitly impersonated Complainant through the use of an email associated with the Disputed Domain Name to send fraudulent emails impersonating an employee of Complainant asking Complainant's customers to provide credit card information and/or wire money to Complainant's supposed new bank account, which in fact was Respondent's account. Respondent clearly intended that recipients of its emails would not notice the misspelling in the email address (the Disputed Domain Name is the inverse of Complainant's domain name) and assume that the emails were sent by Complainant. Such conduct amounts to bad faith use of the Disputed Domain Name. See *Super Cassettes Industries Private Limited v. Muhammad Irfan*, WIPO Case No. [D2022-0557](#); see also [WIPO Overview 3.0](#), section 3.1.4 ("[T]he use of a domain name for per se illegitimate activity [...] is manifestly considered evidence of 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 Disputed Domain Name, <gsgog.com> be transferred to Complainant.

*/Lawrence K. Nodine/*

**Lawrence K. Nodine**

Sole Panelist

Date: March 29, 2023