

## **ADMINISTRATIVE PANEL DECISION**

Rightmove Group Limited v. Balwinder Singh  
Case No. D2023-0540

### **1. The Parties**

Complainant is Rightmove Group Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

Respondent is Balwinder Singh, India.

### **2. The Domain Name and Registrar**

The disputed domain name <rightmove.tech> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 6, 2023. On February 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 7, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on February 8, 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 9, 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 Respondent of the Complaint, and the proceedings commenced on February 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 3, 2023.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on March 13, 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 company organized under the laws of the United Kingdom that is active in the real estate business, providing the United Kingdom's largest real estate portal and property search function under the brand RIGHTMOVE.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its company name and brand RIGHTMOVE, including the following:

- Word/design mark RIGHTMOVE, European Union trademark registration, registration number: 015568561, registration date: April 13, 2017, status: active.

Moreover, Complainant has evidenced to own, *inter alia*, the domain name <rightmove.co.uk>, which resolves to Complainant's main website at "www.rightmove.co.uk", where Complainant offers its RIGHTMOVE real estate portal and related services.

Respondent, according to the disclosed Whois information for the disputed domain name is located in India and registered the disputed domain name on August 2, 2022. By the time of rendering this decision, the disputed domain name resolves to a typical error page. Complainant, however, has demonstrated that, at some point before the filing of the Complaint, the disputed domain name resolved to a commercially active website at "www.rightmove.tech", offering real estate services under the heading "Right Move".

A cease-and-desist letter was sent to Respondent via email on August 12, 2022, in order to solve the matter amicably, to which Respondent did not reply.

Complainant requests that the disputed domain name be transferred to Complainant.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that it was founded back in 2000 and that its website at "www.rightmove.co.uk" nowadays is ranked No. 55 of the most popular digital services in the United Kingdom. Complainant's RIGHTMOVE trademark has been extensively promoted in the past through various nationwide advertising campaigns and has been featured on numerous reputable third-party news websites, which is why the RIGHTMOVE trademark meanwhile enjoys considerable recognition as a distinctive identifier associated with Complainant's real estate services.

Complainant submits that the disputed domain name is identical to Complainant's RIGHTMOVE trademark as it clearly contains the latter in its entirety without alteration or adornment. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent has not received any license from Complainant to use a domain name featuring Complainant's RIGHTMOVE trademark, (2) the disputed domain name was previously used to offer real estate listings with the caption "Right Move Real Estate Company" stated on top of the website thereunder, (3) Respondent is neither commonly known under the disputed domain name nor does Respondent have any trademark rights in the term "rightmove", which is why there is no plausible reason for the registration and use of the disputed domain name, other than the motive of taking advantage of the goodwill and reputation attached to Complainant's RIGHTMOVE trademark, and (4) Respondent's current passive holding of the disputed domain name does not constitute a legitimate noncommercial or fair use thereof. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) the disputed domain name consists solely of Complainant's fanciful and distinctive RIGHTMOVE trademark, and it is inconceivable to believe that Respondent has chosen such domain name for any reason other than to target such trademark, (2) by offering real estate listings under the disputed domain name, Respondent acts as a competitor to Complainant, and (3) even though the disputed domain name currently does not resolve to a functional websites, this does not preclude the finding of bad faith use.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

### A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name <rightmove.tech> is identical with the RIGHTMOVE trademark in which Complainant has rights.

The disputed domain name incorporates the RIGHTMOVE trademark entirely and exclusively, with no alterations or additions whatsoever. Numerous UDRP panels have recognized that incorporating a trademark in its entirety is normally sufficient to establish that the disputed domain name is at least confusingly similar, if not identical with a registered trademark (see WIPO Overview on WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, given that the applicable Top-level domain ("TLD") as such is usually disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1), the inclusion of the generic TLD ".tech" in the disputed domain name does not alter the finding of identity in the case at hand.

Therefore, Complainant has established the first element under the Policy set forth by paragraph 4(a)(i).

### B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name, nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent has neither been granted a license nor has it been otherwise authorized by Complainant to use its RIGHTMOVE trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name, and Respondent does not appear to have any trademark rights associated with the fanciful term "rightmove" on its own. Finally, the disputed domain name resolved at some point in the past to a commercially active website at "www.rightmove.tech", offering real estate services (identical or at least confusingly similar to those services offered by Complainant) under the heading "Right Move" as it is reflected in Complainant's RIGHTMOVE trademark. Such use of the disputed domain name neither qualifies as *bona fide* nor as legitimate noncommercial or fair within the meaning of paragraph 4(c) of the Policy. This assessment applies regardless of the fact that the disputed domain name, by the time of rendering this decision, resolves to a typical error page and, therefore, is merely passively held by Respondent. UDRP panels have found that the

mere registration of a domain name does not by itself automatically confer rights or legitimate interests therein (see [WIPO Overview 3.0](#), section 2.10.1).

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Now, the burden of production shifts to Respondent to come forward with appropriate allegations or evidence demonstrating such rights or legitimate interests (see [WIPO Overview 3.0](#), Section 2.1). Given that Respondent has defaulted, it has not met that burden.

The Panel, therefore, finds that Respondent has no rights or legitimate interests in respect of the disputed domain name and that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

The circumstances to this case, in particular using the disputed domain name which is identical to Complainant's RIGHTMOVE trademark to offer real estate services thereunder headed "Right Move", leave no doubt that Respondent was fully aware of Complainant's real estate business and its rights in the RIGHTMOVE trademark when registering the disputed domain name and that the latter clearly is directed thereto. Moreover, using the disputed domain name to run a website offering real estate services that are identical or at least confusingly similar to those offered by Complainant, and thereby prominently displaying the fanciful term "Right Move" as it is reflected in Complainant's RIGHTMOVE trademark, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusing with Complainant's RIGHTMOVE trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Again, this assessment applies regardless of the fact that the disputed domain name, by the time of rendering this decision, resolves to a typical error page and, therefore, is mere passively held by Respondent. Considering the totality of the circumstances of this case, there is no room for any plausible use of the disputed domain name which would not take unfair advantage by profiting from the undisputed considerable recognition as a distinctive identifier associated with Complainant's real estate services which Complainant's RIGHTMOVE trademark enjoys. Therefore, the passive holding of the disputed domain name by Respondent is not in contrast to hold that Respondent has registered and is using the disputed domain name in bad faith within the larger meaning of paragraph 4(b) of the Policy.

In this context, the Panel has also noted that Respondent provided fault or incomplete contact information in the Whois register for the disputed domain name since, according to email correspondence between the Center and the postal courier DHL, the Written Notice on the Notification of Complaint dated February 10, 2023 could not be delivered. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding.

Therefore, the Panel concludes that Complainant has also satisfied the third element under the Policy as set forth by 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 disputed domain name <rightmove.tech> be transferred to Complainant.

/StephanieG. Hartung/

**StephanieG. Hartung**

Sole Panelist

Date: March 27, 2023