

ADMINISTRATIVE PANEL DECISION

Judge.Me Ltd v. regergae reygfshfd
Case No. D2023-3841

1. The Parties

The Complainant is Judge.Me Ltd, United Kingdom, represented by Buckworths Limited, United Kingdom.

The Respondent is regergae reygfshfd, Canada.

2. The Domain Name and Registrar

The disputed domain name <judge-drive.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 14, 2023. On September 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 15, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 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 amendment to the Complaint on October 9, 2023.

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 October 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 9, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on November 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

The Complainant is in the business of providing services that relate to product review management, which includes but is not limited to enabling review requests to be made through multiple mediums such as by email, SMS, and push notification and managed on the Complainant's mobile app. It owns the trademark JUDGE.ME, for which it has obtained registration in the UK (No. UK00003612888, registered on July 23, 2021 in classes 35 and 42).

According to the Whois information, the disputed domain name was registered on August 27, 2023. The Respondent has used the disputed domain name to set up a website that bears the Complainant's JUDGE.ME mark, along with colors and design elements similar to those used on the Complainant's legitimate website ("www.judge.me"). According to the Complainant, the Respondent's website provides ratings assistance services which attempt to boost low rated products to higher rated products in exchange for commission on how highly the products ratings are boosted.

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

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, particularly the Complainant's registration for the mark JUDGE.ME, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds a dominant feature of the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of another term (here, "-drive") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The content of the website associated with the disputed domain name is usually disregarded by panels when assessing confusing similarity under the first element. [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 services competitive to the Complainant, using a website that bears an exact copy of the Complainant's mark – to confirm the confusing similarity between the disputed domain name and the Complainant's mark.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

On this point, the Complainant asserts that the Respondent's use of the disputed domain name is not in connection with a *bona fide* offering of services, as the Respondent can be seen to be clearly attempting to attract customers to its website by trading on the reputation, public knowledge, and branding of the Complainant's website. Additionally, the Complainant asserts that the Respondent is not making legitimate noncommercial use or fair use of the disputed domain name. Moreover, the Complainant asserts that it has never authorized the Respondent to use the JUDGE.ME mark.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. Furthermore, the Respondent has used the disputed domain name to set up a website that bears the Complainant's mark and otherwise seeks to imitate the Complainant. The Panel finds such use cannot confer any rights or legitimate interests on the Respondent ([WIPO Overview 3.0](#), section 2.13).

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. For example, under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent "[uses] the domain name to intentionally attempt 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 a product or service on [the respondent's] website or location".

In the present case, the Panel notes that the Respondent has used the disputed domain name to set up a website that bears the Complainant's mark and otherwise seeks to imitate the Complainant. The Panel finds that this is a clear example of bad faith registration and use. The Respondent has provided no argument or evidence as to any proper basis for having registered and used the disputed domain name.

Accordingly, based on the available record, the Panel finds the third element of the Policy has been established.

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 <judge-drive.com> be cancelled.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: November 23, 2023