

ADMINISTRATIVE PANEL DECISION

Curity I/O AB v. Justin, Fen Hu, Alexander Lyons, MEI WANG, Liu Fen
Case No. D2024-1845

1. The Parties

The Complainant is Curity I/O AB, Sweden, represented by 101domain.com, United States of America.

The First Respondent is Justin, United States of America.

The Second Respondent is Fen Hu, China.

The Third Respondent is Alexander Lyons, United States of America.

The Fourth Respondent is MEI WANG, China.

The Fifth Respondent is Liu Fen, China.

The First to Fifth Respondents are referred to collectively as “the Respondents”.

2. The Domain Names and Registrars

The disputed domain name <curity.app> is registered with Porkbun LLC (the “First Registrar”).

The disputed domain names <curity.cc>, <curity.life>, and <curity.store> are registered with GoDaddy.com, LLC (the “Second Registrar”).

The disputed domain name <curity.shop> is registered with Dynadot Inc. (the “Third Registrar”).

The disputed domain name <curity.top> is registered with NameCheap, Inc. (the “Fourth Registrar”).

The disputed domain names <curity.club> and <curity.network> are registered with Sav.com, LLC (the “Fifth Registrar”).

The First to Fifth Registrars are referred to collectively as “the Registrars”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 1, 2024. On May 2, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On May 2 and 3, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Information not available on WHOIS) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 3, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on May 9, 2024.

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 Respondents of the Complaint, and the proceedings commenced on May 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 6, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on June 11, 2024.

The Center appointed David Stone as the sole panelist in this matter on June 20, 2024. 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 was founded in 2015 in Sweden and is a software company that provides advanced security solutions through identity and access management (IAM) and application programming interface (API) management.

Among others, the Complainant owns the following registered trade marks (the “Marks”):

- CURITY: United States of America Trade mark registration no. 5514480 registered on July 10, 2018, in international class 9; and
- CURITY: European Union Trade mark registration no. 015802011 registered on December 28, 2016, in international class 9.

The Complainant is the owner of over 100 domains consisting of country code Top-Level domain (“ccTLD”) and generic Top-Level Domain (“gTLD”) variations of the term “Curity”, such as <curity.site>, <curity.help>, <curity.inc>, <curity.security>, and <curity.gives>. The Complainant’s primary website is hosted at “www.curity.io”.

On December 15, 2023, the Fourth Respondent registered the disputed domain name <curity.shop>, which is offered for sale on the aftermarket site, Dan.com, by the seller “pace.domains”.

On December 19, 2023, the Respondents (other than the Fourth Respondent) registered the seven other disputed domain names (namely, <curity.app>, <curity.cc>, <curity.club>, <curity.life>, <curity.network>, <curity.store>, and <curity.top>) within 20 minutes of each other. Each of these domain names, subsequently, is offered for sale on the same aftermarket site, Dan.com, by the same seller “pace.domains”.

On February 22, 2024, the Complainant sent a cease and desist letter to the Fourth Respondent. On March 7, 2024, the Complainant sent a cease and desist letter to an email address at “[...]@pacedomains.com”, and received a reply from the same email address on the same day, requesting the Complainant to stop sending these meaningless email communications.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of each of the disputed domain names.

The Complainant contends that, under the first element, each of the disputed domain names are identical or confusingly similar to the Marks because they each comprise the Complainant’s Mark and only differ in respect of the gTLDs and ccTLDs. The disputed domain names are nearly identical to the domain name <curity.io>, the Complainant’s primary website. The Complainant contends that “Curity” is a fanciful term that it has invested in heavily, and that it should be permitted to exploit its Marks without the confusion that arises from the disputed domain names.

Under the second element, the Complainant contends that none of the Respondents is known by, has any legitimate connection with, or any trade mark rights to “Curity”. None of the Respondents is a licensee of the Complainant and none has provided any evidence of bona fide, or demonstrable preparations to use, any of the disputed domain names in connection with any legitimate offering of goods or services. The Respondents are not making a legitimate noncommercial or fair use of the disputed domain names because each of the disputed domain names is listed for resale without license or authorization.

Under the third element, the Complainant contends that the Respondents’ registrations of the disputed domain names constitute cybersquatting activity with the sole intention to direct online consumers to their infringing sites and prevent access to the Complainant’s authentic goods and services. The disputed domain names are being used deliberately to create confusion with the Complainant’s Marks. The Complainant also contends that the disputed domain names were registered with the intent to cybersquat on a known and fanciful trade mark for excessive profit. The Respondents have demonstrated a pattern of registering domain names based on the names of well-known brands, such as Disney, Netflix, and Nintendo, and listing them for sale on an aftermarket platform at USD1,450, just below the cost of filing a UDRP action. The Respondents’ numerous domain registration listings cannot be justified as the activity of legitimate domaining or domain investing due to cybersquatting on famous trade marks for personal gain.

B. Respondents

None of the Respondents replied to the Complainant’s contentions.

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the Respondents are the same entity or mere alter egos of each other. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

None of the Respondents commented on the Complainant’s request for consolidation.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (ii) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (iii) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s) or (iv) other arguments made by the complainant. [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that, despite the Registrars having listed different registrant contact information across China and the United States of America for the disputed domain names: (i) the disputed domain names resemble each other closely: all comprise the Complainant's mark followed by varying TLDs; (ii) each disputed domain name was listed for sale on the same aftermarket platform by the same vendor, "pace.domains", for the price of USD 1,450 except for <curity.app> with a price of USD 1,950; and (iii) each of the disputed domain names except for <curity.shop> was registered within 20 minutes of each other. The Panel finds that it is more likely than not that the disputed domain names are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. As noted above, none of the Respondents has made any submissions in the proceedings.

Accordingly, the Panel consolidates the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

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 Marks and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Marks are recognizable within the disputed domain names. The applicable TLDs are disregarded under the first element of the test but may bear on assessment of the second and third elements. [WIPO Overview 3.0](#), sections 1.11.1 and 1.11.2. Accordingly, the disputed domain names are identical to the Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 a respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have not rebutted the Complainant’s prima facie showing and have not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

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.

In the present case, the Panel notes that the Respondents registered seven out of eight disputed domain names within 20 minutes of each other, and all of the disputed domain names are identical aside from their respective TLDs.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. Particular circumstances panels may take into account in assessing whether the respondent’s registration of a domain name is in bad faith include (i) the timing and circumstances of the registration, (ii) any respondent pattern of targeting marks along a range of factors, (iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent’s choice of the domain name, or (iv) other indicia generally suggesting that the respondent had somehow targeted the complainant. [WIPO Overview 3.0](#), section 3.2.1.

In the case of circumstances indicating that the respondent’s intent in registering the disputed domain name was to profit in some fashion from or otherwise exploit the complainant’s trade mark, panels will find bad faith on the part of the respondent. While the assessment remains fact-specific, generally speaking such circumstances, alone or together, include: (i) the respondent’s likely knowledge of the complainant’s rights, (ii) the distinctiveness of the complainant’s mark, (iii) a pattern of abusive registrations by the respondent, (iv) the failure of a respondent to present a credible evidence-backed rationale for registering the domain name, and (v) a respondent’s past conduct or business dealing. [WIPO Overview 3.0](#), section 3.1.1.

UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. A pattern of abuse has been found where the respondent registers, simultaneously or otherwise, multiple trade mark-abusive domain names corresponding to the distinct marks of individual brand owners. [WIPO Overview 3.0](#), section 3.1.2.

The Panel finds that, given the distinctiveness of the Complainant’s Marks and the fact that it was registered both in Europe and the United States of America, on the balance of probabilities, the Respondents did not independently come up with the term “Curity” and knew or should have known about the Complainant’s rights when registering the disputed domain names.

Further, all of the disputed domain names comprising only the Complainant’s mark and their respective TLDs resolve to Dan.com offering them for sale for the price of USD 1,450 except for <curity.app> with a price of

USD 1,950, which suggests that the Respondents unfairly targeted the Complainant and registered the disputed domain names primarily to sell the disputed domain names to the Complainant (or its competitor) for profit. This is evidence of bad faith under paragraph 4(b)(i) of the Policy.

The Panel also notes that the seller “pace.domains” listed on the websites at the disputed domain names are selling other domain names with well-known brands, such as Disney, Netflix, and Nintendo, and consistently listing them for sale for the price of USD 1,450 on an aftermarket platform at just below the cost of filing a UDRP action.

Furthermore, none of the Respondents has attempted to refute any of the Complainant’s contentions, which casts additional doubt on the nature of their conduct. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that the Complainant has established the third element of 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 each of the disputed domain names:

<curity.app>
<curity.cc>
<curity.club>
<curity.life>
<curity.network>
<curity.shop>
<curity.store>
<curity.top> be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: July 4, 2024