

## **ADMINISTRATIVE PANEL DECISION**

Teach First v. Ryan Jacobs, TeachFirst  
Case No. D2024-2291

### **1. The Parties**

The Complainant is Teach First, United Kingdom, represented by Ashurst LLP, United Kingdom.

The Respondent is Ryan Jacobs, TeachFirst, United States of America (“United States”).

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

The disputed domain name <teachfirst.com> 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 June 5, 2024. On June 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 5, 2024, 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 the Complainant on June 7, 2024 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 amended Complaint on June 10, 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 Respondent of the Complaint, and the proceedings commenced on June 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 8, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on August 2, 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 is a charity founded in 2003 with the aim to improve life chances and choices for children experiencing poverty by targeting education inequality. It employs 821 people and has 831 volunteers, and coordinates an employment-based teacher training program for participants to qualify as teachers in low socioeconomic schools. The Complainant is a member of the Teach For All global network (“TFA”), which was co-founded by the founder of the Complainant, and permits TFA to sublicense the TEACH FIRST trademark to organizations within the TFA global network. Currently, there are non-profit organizations that operate under the TEACH FIRST trademark in Germany, Denmark, New Zealand, Indonesia, and Israel.

The Complainant is the owner of the following trademark registrations for the sign “TEACH FIRST” (the “TEACH FIRST trademark”):

- the European Union trademark TEACH FIRST with registration No. 003581741, registered on September 14, 2005 for goods and services in International Classes 9, 16, 25, 36, and 41; and
- the United Kingdom trademark TEACH FIRST with registration No. UK00903581741, registered on September 14, 2005 for goods and services in International Classes 9, 16, 25, 36, and 41.

The Complainant is also the owner of the domain name <teachfirst.org.uk>, which resolves to its official website.

The disputed domain name was registered on November 29, 2018. It resolves to a website displaying the TEACH FIRST trademark that advertises teacher support software services using artificial intelligence. The Respondent’s registrant and contact information provided by the Registrar identify it as being located in the United States. However, the contact phone number provided on the website at the disputed domain name includes the access code for Bangladesh and the LinkedIn icon displayed on the same website redirects visitors to the Bengali version of the LinkedIn website, which create an appearance that the Respondent is actually located in Bangladesh.

#### **5. Parties’ Contentions**

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

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

The Complainant submits that the disputed domain name is confusingly similar to the TEACH FIRST trademark, because it incorporates the elements of the trademark without the interval between them.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not commonly known by the disputed domain name, the Complainant has never authorized it to use the TEACH FIRST trademark, and the Respondent has no relevant trademark rights. The Complainant notes that the website at the disputed domain name provides limited and inconsistent contact details for its provider, as it states that it is operated out of Phoenix, Arizona, but provides a Bangladeshi telephone number. The Complainant notes that the website at the disputed domain name displays the icons of some social networks, which take visitors to the respective networks’ home screens rather than to any social media pages belonging to or operated by the Respondent. The Complainant further submits that the website at the disputed domain name displays reviews by customers along with their

photos, and a reverse Google image search of these photos reveals that they have been taken from other webpages where the same photos are used with a different identity. The Complainant also notes that the Respondent's website contains a number of placeholder blog posts in Latin, and their authors are all named after famous sports people or musicians.

The Complainant contends that the disputed domain name hosted a placeholder webpage until as recently as February 2023 and the first records of a website being hosted there start in September 2023; in addition a search of traffic found that the website appears to only have had 12 unique visits in total, a number of which would have been from the Complainant in relation to this Complaint. Also the Complainant has written to the Respondent using the email address provided at the website, but no response has been received suggesting that the inbox may not be monitored.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It states that its TEACH FIRST trademark is well known and is used extensively in the United Kingdom and internationally, and the Complainant has enjoyed significant publicity from newspapers and high-profile individuals. In the Complainant's view, the Respondent must have known of the TEACH FIRST trademark at the time of registration of the disputed domain name. According to the Complainant, the similarity of the services being offered by the Complainant and the Respondent under the brand TEACH FIRST are not a coincidence. Rather, the Respondent intentionally attempts to confuse Internet users that the services offered by it are offered by the Complainant.

## **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.

The Complainant has shown rights in respect of the TEACH FIRST trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the TEACH FIRST trademark is reproduced within the disputed domain name, and the only difference is the omission of the interval between the two words of which the trademark consists. Accordingly, the disputed domain name is confusingly similar to the TEACH FIRST trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel therefore finds that 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.

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 Respondent lacks rights or legitimate interests in the disputed domain name. Despite being notified by all proscribed means, including by the Complainant prior to the dispute, 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.

The disputed domain name fully incorporates the TEACH FIRST trademark without the addition of any other elements. This together with the use of the disputed domain name creates a risk of Internet user confusion. The teacher support software services supposedly offered by the Respondent on the website at the disputed domain name are similar to the teacher training services provided by the Complainant. The arguments submitted by the Complainant are that the website at the disputed domain name contains what appear to be fake user reviews, because the same include photos of their alleged authors that are also included in user reviews on other websites by authors with different names. While the Panel is mindful that such placeholder text is sometimes put up as websites are being developed – and in some cases has at some point subsequently been overtaken here by more natural English-language content relating to the purported services offered, the “blog posts” on the website are not explained in this way by the Respondent – who has not participated in this proceeding, and seem to possibly have been included on the website only to make it appear as including a richer content rather than by reference to any legitimate and separate undertaking offered by the Respondent using the combination of the terms “teach” and “first” to describe their services. All this, combined with the fact that the Respondent has failed to submit any evidence that it is carrying out a legitimate activity through the disputed domain name, leads the Panel to infer that the Respondent is targeting the Complainant in an attempt to confuse Internet users that the services offered by it originate from or are endorsed by the Complainant. Such conduct cannot give rise to rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that 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.

The TEACH FIRST trademark was first registered by the Complainant 13 years before the registration of the disputed domain name, and the Complainant has shown that it has gained significant media attention over the years. The disputed domain name replicates the TEACH FIRST trademark without adding any other elements, which together with the use of the disputed domain name creates a risk of misleading Internet users into believing that the website is associated with or endorsed by the Complainant, noting that the services purportedly offered by the Respondent are similar to those offered by the Complainant. In the absence of any Response alleging or providing evidence that the Respondent is carrying out a legitimate activity without targeting the Complainant, the Panel accepts as more likely than not that by registering and using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's TEACH FIRST trademark as to the affiliation with or endorsement by the Complainant of the software services offered by the Respondent on the website at the disputed domain name. This supports a finding of bad faith under paragraph 4(b)(iv) of the Policy.

The Panel therefore 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 the disputed domain name <teachfirst.com> be transferred to the Complainant.

*/Assen Alexiev/*

**Assen Alexiev**

Sole Panelist

Date: August 16, 2024