

## **ADMINISTRATIVE PANEL DECISION**

CritiCore, Inc. v. Richah Solanki  
Case No. D2024-3587

### **1. The Parties**

Complainant is CritiCore, Inc., United States of America (“United States” or “U.S.”), represented by Holland & Knight LLP, United States.

Respondent is Richah Solanki, United States.

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

The disputed domain name <criticoreinc.com> (the “Disputed Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 4, 2024. On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 9, 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 (Respondent Information Hidden By Privacy Service) and contact information in the Complaint. The Center sent an email communication to Complainant on September 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. After two reminders, Complainant filed an amendment to the Complaint on September 23, 2024.

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 Respondent of the Complaint, and the proceedings commenced on September 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 14, 2024.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on October 16, 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**

Complainant states that it “operate[s] a retail business specializing in the provision of apparel products, as well as certain highly specialized protective equipment”; that it operates a website using the domain name <criticoreinc.com> since at least as early as November 22, 2021. Complainant further states, and provides evidence to support, that it is the owner of U.S. Reg. No. 7153521 for the mark CRITICORE (registered September 5, 2023) for use in connection with, inter alia, “cleanroom apparel and protective apparel for protection against accidents and chemicals”; and U.S. Reg. No. 7477517 for the mark CRITICORE PROTECTIVE WEAR (registered August 20, 2024) for use in connection with, inter alia, “cleanroom apparel and protective apparel for protection against accidents and chemicals”. These registrations are referred to herein as the “CRITICORE Trademark”.

The Disputed Domain Name was created on July 19, 2024. According to the Complaint, and as supported by an annex provided by Complainant, Respondent uses the Disputed Domain Name in connection with “an elaborate email scam scheme whereby Respondent uses the Disputed Domain Name to send Complainant’s customers fraudulent emails, purporting to be one of Complainant’s employees, to ultimately convince Complainant’s customers to send payment funds to Respondent, rather than send those to Complainant as owed”. Complainant further states, and provides evidence in support thereof, that it “was made aware that a consumer did in fact send money to Respondent after being convinced Respondent was, in fact, Complainant’s employee”.

#### **5. Parties’ Contentions**

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, Complainant contends that:

- The Disputed Domain Name is confusingly similar to the CRITICORE Trademark because the Disputed Domain Name “add[s] only the generic corporate designation ‘Inc’ (albeit with the typographical substitution of ‘i’ for ‘l’), as well as the Top-Level Domain (‘gTLD’) ‘.com’”; and “a domain name that includes a trademark, service mark, or a confusingly similar approximation, is identical or confusingly similar to the trademark for purposes of Paragraph 4(a)(i), regardless of other terms or symbols that appear in the domain name”.
- Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Respondent is not related to, affiliated with, endorsed by, or otherwise associated with Complainant”; “Respondent has not sought from Complainant, and Complainant has not granted to Respondent, any authorization, license, or permission to use” the CRITICORE Trademark; “Respondent’s online email campaign is expressly designed to impersonate Complainant and includes direct references to Complainant, which clearly establishes Respondent’s awareness of Complainant’s business, in connection with which it uses the [CRITICORE Trademark], and implies a false and misleading connection between Respondent and Complainant’s business”; “Respondent cannot prove it has *any* reputation independent of its association with Complainant” and “the CRITICORE Trademark; and “Respondent registered and is now using the Disputed Domain Name so that Respondent can send fraudulent emails that appear to come from Complainant’s genuine business”.

- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, Respondent “used the Disputed Domain Name to send an email address to Complainant’s customer pretending to be Complainant’s employee [...] to provide Complainant’s customer with ‘updated’ payment account information”; and “the use of a confusingly similar domain to perpetuate a fraudulent email scheme amounts to bad faith registration and use of a domain name”.

## **B. Respondent**

Respondent did not reply to 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.

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

The entirety of U.S. Reg. No. 7153521 is reproduced within the Disputed Domain Name, and the CRITICORE Trademark is recognizable in 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.

Although the addition of other terms (here, “Inc”) may bear on assessment of the second and third elements, the Panel finds the addition of such term (which is visually similar to “inc” – an abbreviation for “incorporated” – as appears in Complainant’s own domain name) does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. As set forth in [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

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.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Here, Complainant has stated, and provided evidence to support, that Respondent has registered and used the Disputed Domain Name in connection with a so-called business email compromise phishing scam impersonating Complainant for the purpose of obtaining payments intended for Complainant. This clearly constitutes a “likelihood of confusion” pursuant to paragraph 4(b)(iv) of the Policy. Plus, as set forth in section 3.1.4 of [WIPO Overview 3.0](#) “phishing [...] is manifestly considered evidence of bad faith”.

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 the Disputed Domain Name <criticorelnc.com> be transferred to Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: October 28, 2024