

ADMINISTRATIVE PANEL DECISION

BB Knowledge Pty Ltd v. fjskakak fkskksjdjsj
Case No. D2025-0884

1. The Parties

The Complainant is BB Knowledge Pty Ltd, Australia, represented internally.

The Respondent is fjskakak fkskksjdjsj, Singapore.

2. The Domain Name and Registrar

The disputed domain name <blueberry-market.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 March 4, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 2025, 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 (Gname.com Pte. Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 6, 2025, 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 March 31, 2025.

The Center verified that the Complaint 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 March 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 25, 2025.

The Center appointed Iris Quadrio as the sole panelist in this matter on May 7, 2025. 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 – operating as a globally regulated forex broker – is a leading provider of online trading services, offering access to a wide range of financial instruments including forex, commodities, and indices.

The Complainant currently serves thousands of active traders across the world, with a strong presence in Australia. Through its advanced trading technology, the Complainant has built a solid reputation among retail investors.

The Complainant is the owner of the trademark BLUEBERRY MARKETS and BLUEBERRYMARKETS (& Design) in Australian Trademark Office Reg. No. 1709499 in class 36, registered since July 10, 2015; and Reg. No. 2115440 in class 9 and 36, registered since September 4, 2020.

In addition, the Complainant has Internet presence through its official website “www.blueberrymarkets.com” registered since July 5, 2015.

Lastly, the disputed domain name was registered on November 19, 2024, and resolved to a website that displayed the Complainant’s trademark and featured a trading chart of various cryptocurrencies (as evidenced by the Complainant in Annex 5 to the Complaint). Currently, the disputed domain name resolves to an inactive site.

5. Parties’ Contentions

A. Complainant

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

The Complainant states that the disputed domain name <blueberry-market.com> is confusingly similar to its trademark BLUEBERRY MARKETS on which the Complainant has prior rights.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <blueberry-market.com>. The Complainant is not related to the Respondent in any way and has not established any activity and/or business with the Respondent.

More specifically, the Complainant alleges that the Respondent has not used and/or has no demonstrable intention of using the disputed domain name in any other way than to create a likelihood of confusion with the Complainant’s trademark. In fact, the Complainant claims that the first use of the disputed domain name is only intended to generate confusion among consumers as to the origin of the website.

In addition, the Complainant alleges that it has received a complaint from an individual who has been a victim for scam in connection with the disputed domain name and who received a financial loss. This has caused a reputational detriment to the Complainant and could expose it to regulatory risk.

Finally, the Complainant has requested the Panel to issue a decision ordering the cancellation of the disputed domain name to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

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

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds 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. The typosquatting practice of adding a hyphen between the words "blueberry" and "market", and eliminating the letter "s" in the word "market", does not prevent this Panel to conclude that the disputed domain name is confusingly similar to the Complainant's trademark under [WIPO Overview 3.0](#), section 1.9.

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 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.

Likewise, it does not seem that the Respondent is making any legitimate noncommercial or fair use of the disputed domain name. In this regard, the Complainant has proven in Annex 5 to the Complaint, that at the time of its detection, the disputed domain name was pointing to a website that featured a trading chart of various cryptocurrencies and also depicted the Complainant's trademark. These actions clearly aim at exploiting the Complainant's reputation by misleading Internet users into believing that the website is an official platform of the Complainant. Hence, as established in section 2.5 of [WIPO Overview 3.0](#):

“Fundamentally, a respondent’s use of a domain name will not be considered ‘fair’ if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often central to this inquiry.”

Currently, the Respondent is passively holding the disputed domain name by redirecting users to an inactive website and, therefore, this Panel considers that the Respondent is not making any legitimate noncommercial or fair use of disputed domain name.

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. 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 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 such connection, the Complainant has submitted evidence to support that the trademark BLUEBERRY MARKETS was registered and used many years before the Respondent registered the disputed domain name. When registering the disputed domain name, the Respondent has targeted the Complainant’s trademark BLUEBERRY MARKETS to create confusion among Internet users and benefit from the Complainant’s reputation. Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant’s trademark BLUEBERRY MARKETS when it registered the disputed domain name.

Likewise, based on the evidence provided by the Complainant by Annex 5 to the Complaint, the disputed domain name resolved to a website mimicking the Complainant’s official website and displaying the Complainant’s trademark BLUEBERRY MARKETS. Clearly, the Respondent knew of the existence of the Complainant and of the goodwill of its trademark when registering the disputed domain name.

Currently, the domain name resolves to an inactive website. The Panel finds that the current non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

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 <blueberry-market.com> be cancelled.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: May 28, 2025