

ADMINISTRATIVE PANEL DECISION

HELLO WORLD v. Isa Misao

Case No. D2025-2049

1. The Parties

The Complainant is HELLO WORLD, France, represented by WE ARE BOLD, France.

The Respondent is Isa Misao, South Africa.

2. The Domain Name and Registrar

The disputed domain name <luckycrush.org> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 23, 2025. On May 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 May 26, 2025.

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 May 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2025. The Respondent sent an email communication to the Center on May 27, 2025. The Center notified the Parties of the Commencement of Panel appointment process on June 18, 2025.

The Center appointed Karen Fong as the sole panelist in this matter on July 1, 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

Established in 2018, the Complainant who is based in France, operates a video chat platform called LUCKYCRUSH at the domain name <lucky-crush.live> that connects users with strangers for live, one-on-one video conversations. The service is marketed as a flirt or dating site and promotes anonymous, spontaneous video interactions between users worldwide. The landing page contains the tagline, "Random Video Chat with Strangers".

The Complainant has the following trade mark registrations for LUCKYCRUSH:

- French Trade Mark Registration No. 4634331 for LUCKYCRUSH registered on October 30, 2020; and
- International Registration No. 1741066 for LUCKYCRUSH registered on April 14, 2023.

(individually and collectively, the "Trade Mark").

The domain name <lucky-crush.live> was registered on February 13, 2019.

The Respondent, who is based in South Africa, registered the disputed domain name on March 13, 2022. The disputed domain name also resolved to a video chat service that connects users with strangers. The landing page bears the trade mark "LuckyCrush" and contains the caption, "Random Video Chat with Girls" (the "Website"). The Complainant's representatives sent a cease-and-desist letter to the Respondent on February 16, 2023, followed by two reminders. A response was sent on March 3, 2023, by someone who signed off as "J" indicating that as they are not a French entity and, as they do not operate in the French market, the disputed domain name should not be a problem. The disputed domain name is no longer active.

The Respondent, based in South Africa, registered the disputed domain name on March 13, 2022. The disputed domain name resolves to a video chat service connecting users with strangers, displaying the trade mark "LuckyCrush" alongside the tagline "Random Video Chat with Girls" (the "Website"). On February 16, 2023, the Complainant's representatives issued a cease-and-desist letter, followed by two reminders. A reply to the cease-and-desist letter dated March 3, 2023, signed by "J", asserted that, as the Respondent was not a French entity and, as the disputed domain name did not operate in the French market, they saw no issue with their use of the disputed domain name. The disputed domain name is currently inactive.

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 names.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to 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. An informal email from the Respondent sent on May 27, 2025, stated "This seems like a trademark issue for one of my hosting users. If so, please transfer it to the trademark holders. I will suspend the website in the meantime".

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

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.

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.

In the present case, the Panel notes that the Respondent must have been aware of the Trade Mark when he registered the disputed domain name given that the Trade Mark pre-dates the registration of the disputed domain name, the use of the Trade Mark on the Website and the fact that it offers identical services to those offered by the Complainant. It is therefore implausible that the Respondent was unaware of the Complainant when he registered the disputed domain name.

In the [WIPO Overview 3.0](#), section 3.2.2 states as follows:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers),

panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith. The Website provides identical services to those offered by the Complainant and the Website bears an almost identical tagline to one on the Complainant's website.

The Website displays the Trade Mark, without any disclaimer disclosing (the lack of) relationship between the Parties. The content of the Website is calculated to give the impression it has been authorized by or connected to the Complainant when this is not the case. The Website was set up to deliberately mislead Internet users into believing that it is connected to, authorised by, or affiliated with the Complainant. From the above, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, by misleading Internet users into believing that the Respondent's Website and the services offered on it are those of or authorised or endorsed by the Complainant.

It is highly likely that Internet users when typing the disputed domain name into their browsers or finding it through a search engine would have been looking for a site operated by the Complainant rather than the Respondent. The disputed domain name is likely to confuse Internet users trying to find the Complainant's official website. Such confusion will inevitably result due to the fact that the disputed domain name is identical to the Trade Mark.

The Panel therefore finds that the disputed domain name has been registered and are being used in bad faith under paragraph 4(b)(iv) of the Policy.

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 <luckycrush.org> be transferred to the Complainant.

/Karen Fong/
Karen Fong
Sole Panelist
Date: July 15, 2025