

## **ADMINISTRATIVE PANEL DECISION**

Clover8 Investments Pte. Ltd. v. Daniel Carvalho, Skyloop Digital Ltd  
Case No. D2025-2456

### **1. The Parties**

The Complainant is Clover8 Investments Pte. Ltd., Singapore, represented by SF Firm, LLP, United States of America (United States).

The Respondent is Daniel Carvalho, Skyloop Digital Ltd, United Kingdom.

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

The disputed domain name <seekingcrush.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 21, 2025. On June 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 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 (JOHN DOE) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 24, 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 amendment to the Complaint on June 27, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on June 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on August 6, 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 is a company based in Singapore which has been providing a matchmaking, or introduction and dating service in the United States and around the world from the website at “www.seeking.com”.

From the Panel’s inspection of the website,<sup>1</sup> the website is available in English, Spanish, French, German, Chinese, Dutch, Portuguese and Japanese versions and claims to have more than 52 million users worldwide.

The Complaint includes evidence that the Complainant owns the following registered trademarks in the United States:

- (1) United States Registered Trademark No 4,836,358, SEEKING, which has been registered since October 20, 2015 in respect of a range of computer dating and online dating services in International Class 45 and claiming a first use in commerce in the United States on March 10, 2015;
- (2) United States Registered Trademark No 5,580,039, SEEKING, which has been registered since October 9, 2018 in respect of downloadable mobile applications for use in connection with Internet-based dating services in International Class 9 and claiming first use in commerce in the United States on October 19, 2017; and
- (3) United States Registered Trademark No 5,580,788, SEEKING.COM, which also has been registered since October 9, 2018 in respect of matchmaking and social introduction and dating services in International Class 45 and claiming a first use in commerce in the United States on October 2, 2017.

According to the WhoIs report, the disputed domain name was registered on April 6, 2021.

Since that date, according to the Complainant, the disputed domain name has resolved to a website providing online dating services. The Panel has confirmed that the Wayback Machine captured a landing page for the website on February 28, 2022 which appears to be the same as the landing page at the time this decision is being prepared.<sup>2</sup>

At the top of the landing page is a logo. The logo features a device of what could be two chat bubbles and the words “SeekingCrush”. The words “seeking” and “crush” are presented in different fonts or emphasis so as to appear somewhat differentiated.

After a pop-up screen for the browser to enter their details and three rows of thumbnail images of young women, the landing page states:

“With thousands of women looking for a (sex) flirt, you are guaranteed to make your dreams come true! When will YOU become a member? Create your profile now!”

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<sup>1</sup> See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.8.

<sup>2</sup> Two noticeable differences are the updating of the copyright notice to reflect the current year and the addition of Mastercard and Visa card logos in the photo.

At the bottom of the page just above the copyright notice, further text states:

“... seekingcrush.com is a social platform for men and women who are looking for fun, flirty contact. Every day, hundreds of members sign up. Based on your profile settings, you will receive match suggestions. However, you can also use our search functionality and browse for profiles yourself. This is completely up to you. seekingcrush.com is designed for entertainment.”

## **5. Discussion and Findings**

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whols details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

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

### **A. Identical or Confusingly Similar**

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 3.0](#), section 1.7.

The Complainant has proven ownership of registered trademarks for SEEKING and SEEKING.COM.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of “likelihood of confusion” under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the “.com” gTLD, the disputed domain name consists of the Complainant’s registered trademark and the term “crush”. As this requirement under the Policy is essentially a standing requirement, the addition of this term does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.0](#), section 1.8. Apart from anything else, at the least the Complainant’s SEEKING trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant’s trademark and the requirement under the first limb of the Policy is satisfied.

## **B. Rights or Legitimate Interests**

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a 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.

The Respondent registered the disputed domain name after the Complainant began using its trademarks and also several years after the Complainant had registered its first SEEKING trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent’s name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

The disputed domain name is not being used for a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy.

It appears that the Respondent's website is accessible around the world as it has been accessed by the Complainant's representatives in the United States and is accessible from the Panel's location. Accordingly, as the Complainant contends, the use of the disputed domain name to offer services the same as or similar to those provided by the Complainant under its trademark is likely to cause confusion and divert potential sales from the Complainant. Such conduct does not qualify as an offering of services in good faith under the Policy for the purposes of paragraph 4(c)(i) of the Policy.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

### **C. Registered and Used in Bad Faith**

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Complainant contends that the Respondent's adoption and use of the disputed domain name deliberately trades on the goodwill in the Complainant's trademarks, causes confusion and deception in the marketplace and diverts potential sales away from the Complainant.

The Respondent has not denied the Complainant's allegations or knowledge of the Complainant's trademark. Nor has the Respondent otherwise sought to defend its registration and use of the disputed domain name.

Having regard to the long use of the Complainant's trademark and the Complainant's very substantial membership around the world, therefore, there is a ready inference that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name. As a result, it is also likely that the Respondent was aware, or at least should have been aware, of the potential for confusion and deception between the disputed domain name and the Complainant's trademark.

On that basis the Panel finds that the disputed domain name was registered in bad faith under the Policy. The use of the disputed domain name as it has been used in these circumstances also constitutes use in bad faith. For example, paragraph 4(b)(iv) of the Policy identifies as conduct constituting registration and use in bad faith under the Policy:

"(iv) by using the [disputed] domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] website or location or of a product or service on [the Respondent's] web site or location."

Accordingly, the Complainant has established all three requirements under the Policy.

## **6. 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 <seekingcrush.com> be transferred to the Complainant.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Sole Panelist

Date: August 20, 2025