

ADMINISTRATIVE PANEL DECISION

Data Axle, Inc. v. xia xiu, yutmnhgb
Case No. D2025-3416

1. The Parties

The Complainant is Data Axle, Inc., United States of America, represented by Koley Jessen P.C., L.L.O., United States of America.

The Respondent is xia xiu, yutmnhgb, Christmas Island, Australia.

2. The Domain Name and Registrar

The disputed domain name <dtaxle-page.site> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 25, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (JOHN AND JANE DOES, representing unidentified owner(s) of dtaxle-page.site; and ABC AND XYZ COMPANIES, representing unidentified owners of dtaxle-page.site) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 amendment to the Complaint on the same date.

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 August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 17, 2025.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on September 19, 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

Complainant is a Delaware Corporation, founded in 1972. It is a provider of data, technology and marketing services for salespeople, marketers, and professionals.

The Complainant owns trademarks consisting of DATA AXLE, including but not limited to:

Jurisdiction	Reg No	Trademark	Reg. Date	Classes
United States	6,235,168	DATA AXLE	December 29, 2020	35, 38
United States	4,440,831	DATA AXLE	November 26, 2013	38

The Complainant also owns the domain name <data-axle.com>, registered on October 19, 2012.

The Respondent is xia xiu, yutmnhgbd, from Christmas Island, Australia.

The disputed domain name was registered on July 19, 2025, and currently resolves to an inactive page. However, it was previously used to impersonate Data Axle's signature "X" as a header and contained pictures of Complainant's staff under the heading "Our leadership." The "Read Bio" links under each photo redirect the user back to the home page of the disputed domain name, according to evidence provided by the Complainant (Annexes 7 and 11 to the Complainant).

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 argues that the disputed domain name is confusingly similar to the trademark DATA AXLE.

There is no evidence that the Respondent has made demonstrable preparations to use the disputed domain name for legitimate purposes, nor is there any evidence that the Respondent is using the disputed domain name in connection with any noncommercial or fair use. The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

That being the case, the Complainant finds that the disputed domain name is likely to make Internet users assume that the disputed domain name offers services supplied by the Complainant, in particular by imitating its trademarks and impersonating its staff members.

According to the Complainant, it has prior rights over the trademark DATA AXLE and has not authorized the Respondent's registration and use of the disputed domain name.

The Complainant's intellectual property rights for the DATA AXLE trademarks and domain name predate the registration of the disputed domain name.

According to the Complainant, the registration and use of the disputed domain name has been conducted in bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the 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 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 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.

Panels have held that the use of a domain name for illegal activity, here claimed as applicable to this case as impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Furthermore, the nature of the disputed domain name carries a risk of implied affiliation as it effectively reproduced pictures of the Complainant's staff members.

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 finds that the Respondent was clearly aware of the DATA AXLE mark as the website under the disputed domain name displayed the Complainant's X logo and staff member's pictures, intentionally attempting to attract Internet users by creating a likelihood of confusion with the Complainant's mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here, claimed as impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <dtaxle-page.site> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: October 2, 2025