

PANEL DECISION

Sfanti Grup Solutions SRL v. jaray sudor
Case No. DEU2025-0001

1. The Parties

The Complainant is Sfanti Grup Solutions SRL, Romania, represented by Walters Law Group, United States of America (“United States”).

The Respondent is jaray sudor, Austria.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <megaparsonals.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is Realtime Register B.V.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 23, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On January 24, 2025, the Registry 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 2025, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 27, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 28, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was February 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2025.

The Center appointed Martin Švorčík as the sole panelist in this matter on February 26, 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant, Sfanti Grup Solutions SRL, a Romanian corporation, is the owner of a United States trademark registration for the mark MEGAPERSONALS No. 6,432,591 with the registration date of July 27, 2021, whereas the claim of first use in commerce is recorded as of March 30, 2004. The Complainant is also the owner of European Union trademark MEGAPERSONALS No. 019088775, filed on October 9, 2024, and registered on January 21, 2025.

The Complainant operates a website at the domain names <megapersonals.com> and <megapersonals.eu> that provides adult oriented Internet-based social introduction and dating services.

The disputed domain name was registered on June 6, 2024. The disputed domain name has been used to attract potential users to the Respondent's website which has a look alike the Complainant's website with potential phishing activities.

5. Parties' Contentions

A. Complainant

The Complainant states that since June 12, 2003, it has owned and operated the websites located at the domain names <megapersonals.com> and <megapersonals.eu>, which provide Internet-based social introduction and dating services under the brand name MEGAPERSONALS.

The Complainant has also a trademark for MEGAPERSONALS at the European Union Intellectual Property Office ("EUIPO").

As for the argumentation itself, the Complainant states that the disputed domain name registration fulfils all criteria pursuant to Paragraph B(11)(d)(1) of the ADR Rules, i.e.:

- the disputed domain name is confusingly similar to the trademark. Namely, the disputed domain name is a typo squatted version of the Complainant's trademark and <megapersonals.eu> domain name, which replaces the second "e" with an "a". "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element." See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9.
- the Respondent has no rights or legitimate interests in the disputed domain name; the Respondent is not commonly known by the disputed domain name; the Respondent used the disputed domain name to offer a copycat of the Complainant's website with the intention of misleading the Complainant's users who misspell the Complainant's <megapersonals.eu> domain name when attempting to visit the Complainant's website.
- the Respondent registered and is using the disputed domain name in bad faith as he must have had knowledge about the Complainant's trademark; the disputed domain name directs to a copycat version of the Complainant's website; and the Respondent did not respond to the cease and desist letter of the Complainant

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issues

Due to the similarities of the ADR Rules and the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), the Panel will also take into account the [WIPO Overview 3.0](#), and the cases decided under both the UDRP and the ADR Rules.

6.2 Substantive Issues

Pursuant to Paragraph B(11)(d)(1) of the ADR Rules the Panel shall issue a decision granting the remedies requested by the Complainant in the event that the Complainant proves the following elements:

- (i) the domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
- (ii) the domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) the domain name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Complainant is also owner of European Union trademark MEGAPERSONALS No. 019088775, filed on October 9, 2024, and registered on January 28, 2025. Therefore, the Panel finds that the Complainant has rights for the mark MEGAPERSONALS recognized by the European Union law.

A domain name which contains a common or obvious misspelling of a trademark normally will be found to be confusingly similar to such trademark, where the trademark remains recognizable within the domain name. (see [WIPO Overview 3.0](#), section 1.9) see also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#).

After comparison of the disputed domain name and the trademark of the Complainant, it is evident for the Panel that the disputed domain name consists of the Complainant's trademark which is almost identical as it contains misspelling of the mark MEGAPERSONALS. Therefore, the Complainant's trademark is recognizable within the disputed domain name. The ".eu" Top-Level Domain is typically disregarded for the purposes of the comparison with the Complainant's trademarks on the basis that it is a standard technical requirement for registration – see *Lidl Stiftung & Co. KG v. Name Redacted*, WIPO Case No. [DEU2018-0012](#).

Therefore, the requirements under the first element of Paragraph B(11)(d)(1)(i) of the ADR Rules were met.

B. Rights or Legitimate Interests

Under Paragraph B(11)(e) of the ADR Rules, rights or legitimate interests may be demonstrated where:

- (i) prior to any notice of the dispute, the Respondent has used the disputed domain name or a name corresponding to the domain name in connection with the offering of goods and services or has made demonstrable preparations to do so;
- (ii) the Respondent, being an undertaking, organization or natural person, has been commonly known by the

domain name, even in absence of a right recognised or established by national and/or European Union law; (iii) the Respondent is making a legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognised or established by national and/or European Union law.

While the overall burden of proof in ADR Rules proceedings lies with the Complainant, panels have acknowledged that proving a Respondent lacks its rights or legitimate interests in a domain name can often result in the challenging task of “proving a negative,” which requires information typically within the Respondent’s knowledge or control. Consequently, when a Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to provide relevant evidence demonstrating their rights or legitimate interests in the domain name. If the Respondent fails to present such evidence, the Complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1).

Upon reviewing the record, the Panel finds that the Complainant has made prima facie evidence of the validity of the MEGAPERSONALS trademarks. These registrations are also prima facie proof of the Complainant’s ownership of these trademarks, and of the Complainant’s exclusive rights to use these trademarks in connection with the goods and/or services for which these trademarks were registered in the corresponding jurisdictions.

From the evidence, it is also clear that the Respondent is not sponsored by or associated with the Complainant in any manner. Moreover, the Complainant has not granted the Respondent any permission, license, or authorization to use the Complainant’s trademark in any capacity, including within domain names.

The Respondent is not using the disputed domain name to provide a bona fide offering of goods or services as allowed under Paragraph B(11)(e)(1) of the ADR Rules, nor a legitimate non-commercial or fair use as allowed under Paragraph B(11)(e)(3) of the ADR Rules.

Furthermore, the Respondent does not appear to be commonly known by the disputed domain name and there is no evidence that might support such finding.

The disputed domain name resolves to a website mimicking the Complainant’s website “www.megapersonals.eu”. Panels have recognized that the use of a domain name for illegitimate activity (e.g., claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a Respondent. See [WIPO Overview 3.0](#) at section 2.13.1.

The Panel therefore accepts the Complainant’s prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and that the Complainant has satisfied the condition set out at Paragraph B(11)(d)(1)(ii) of the ADR Rules.

C. Registered or Used in Bad Faith

As the two conditions stipulated in Paragraphs B(11)(d)(1)(i) and (ii) of the ADR Rules have already been fulfilled, the Panel does not need to examine whether the Respondent has registered or is using the disputed domain name in bad faith, under Paragraph B(11)(d)(1)(iii) of the ADR Rules.

However, the Panel has done it by its own discretion and finds out that all the conditions of the bad faith stipulated in Paragraph (B)11(d)(1)(iii) of the ADR Rules have been met.

The Panel accepts that the Respondent’s registration of the disputed domain name which consists of a typo squatted version of the Complainant’s trademark linked to a copycat website is evidence of bad faith.

The Panel notes that after first creating a strong likelihood of confusion by misappropriating the Complainant’s trademark in the disputed domain name, the Respondent has attempted to impersonate the Complainant in order to divert benefits for its own gain. The Respondent’s efforts to masquerade as the

Complainant in an attempt to solicit sensitive, financial information from unsuspecting Internet users certainly constitute fraud, which must be considered bad faith registration and use of the disputed domain name. See [WIPO Overview 3.0](#), sections 3.1.4 and 3.4.

The Panel therefore concludes that the Respondent has both registered and used the disputed domain name in bad faith and that the condition set out at Paragraph B(11)(d)(1)(iii) of the ADR Rules has also been satisfied.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name <megaparsonals.eu> be transferred to the Complainant. ¹

/Martin Švorčík/

Martin Švorčík

Sole Panelist

Date: March 10, 2025

¹(i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) As the Complainant is located in Romania, a Member State of the European Union, it satisfies the general eligibility criteria for registration of the disputed domain name set out in Article 3 of the Regulation (EU) 2019/517. Therefore, the Complainant is entitled to request the transfer of the disputed domain name.