

ADMINISTRATIVE PANEL DECISION

AH Capital Management, L.L.C. v. tuan thinh ngo
Case No. D2022-4272

1. The Parties

The Complainant is AH Capital Management, L.L.C., United States of America (“United States”), represented by Cooley LLP, United States.

The Respondent is tuan thinh ngo, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <a16z.store> (the “Domain Name”) is registered with Name SRS AB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 10, 2022. On November 10, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 11, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on November 14, 2022, 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 November 17, 2022.

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 November 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 13, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 14, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on December 23, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant was founded in 2009 by Marc Andreessen and Ben Horowitz, two entrepreneurs and investors. The Complainant is known by its trademark A16Z, a coined trademark that combines the letters “a” and “z” with the number 16, the number of letters between the letter “a” from Andreessen, and the ending letter “z” in Horowitz. The Complainant invests *inter alia* in the fields of technology, design, venture capital, business development, and more, in the form of blogs, articles, videos, podcasts, and newsletters.

The Complainant owns trademark registrations for A16Z, such as United States trademark registrations number 4353924, 4360719, 4360721, 6041722 and 6062975, registered on June 18, 2013, July 2, 2013, April 28, 2020, and May 26, 2020, respectively. The Complainant registered its domain name <a16z.com> on January 26, 2009 and has continuously hosted its website at “www.a16z.com” since May 22, 2010.

According to the Complainant, the Domain Name was registered on June 19, 2022. At the time of filing the Complaint, the Domain Name resolved to a website that appeared to be a copy of a blog page from the third party Quovantis website. At the time of the Decision, the Domain Name resolved to an error page marked “forbidden”.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Domain Name is confusingly similar to the Complainant’s trademark, because the Domain Name incorporates the trademark in its entirety. The addition of the Top-Level Domain (“TLD”) “.store” does nothing to change the confusingly similarity.

The Complainant asserts that the Respondent is not authorized to use the Complainant’s trademark. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Complainant documents that the Respondent has used the Domain Name to resolve to a website with a copy of a blog page from the third party’s website.

The Complainant argues that the Complainant’s trademark is a coined mark, and the Respondent registered the Domain Name after registration of the Complainant’s trademark. The Respondent is using the Domain Name only to forward to a third party’s website. The Respondent is intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of its website.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark A16Z. The test for confusing similarity

involves a comparison between the trademark and the Domain Name.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the TLD “.store”, see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

The Panel finds that the Domain Name is identical to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made un rebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name identical to the Complainant’s trademark or otherwise make use of the Complainant’s trademark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent’s use of the Domain Name is not *bona fide*, neither a legitimate noncommercial or fair use.

Furthermore, the Domain Name identical to the Complainant’s trademark carries a high risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it evident from the composition and use of the Domain Name that the Respondent must have been aware of the Complainant and its trademarks when the Respondent registered the Domain Name.

The Respondent’s use of the Domain Name is evidence of bad faith, as it uses a Domain Name identical to the Complainant’s trademark to attract Internet users to a different website.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <a16z.store> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: January 6, 2023