

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. Mike
Case No. D2024-2326

1. The Parties

The Complainant is ZipRecruiter, Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is Mike, Canada.

2. The Domain Name and Registrar

The disputed domain name <ziprecroiter.com> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 7, 2024. On June 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 7, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Namewhich differed from the named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 10, 2024 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 June 14, 2024.

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 June 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2024. The Respondent sent an email communication to the Center on July 13, 2024, merely replying “Transfer name to complainant”.

The Center appointed Nicholas Weston as the sole panelist in this matter on July 22, 2024. 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 was incorporated in the United States in 2010 and operates an online recruitment business that attracts more than 7 million active job seekers and over 10,000 companies each month. The Complainant holds a number of registrations for the trademark ZIPRECRUITER, including United States Registration No. 3934310, registered on March 22, 2011.

The Complainant owns several domain names that comprise of, or contain, the trademark ZIPRECRUITER, including the domain name <ziprecruiter.com>, registered in February 2010.

The Disputed Domain Name was registered on March 26, 2024. The Disputed Domain Name resolves to a Pay-Per-Click (“PPC”) landing-page bearing the words “Sports Center”, “Park Pool”, and “Park Centre”.

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 cites its trademark registrations in various jurisdictions for the mark ZIPRECRUITER, as prima facie evidence of ownership.

The Complainant submits, in essence, that its rights in that the mark ZIPRECRUITER predates the Respondent’s registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its trademark, because the Disputed Domain Name is comprised of the ZIPRECRUITER trademark, and that the replacement of the letter “u” with the letter “o” is typosquatting and is not sufficient to avoid confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names because “the Respondent [has not] received any license from the Complainant to use a domain name featuring the ZIPRECRUITER trademark” and that “use [to resolve to a PPC webpage] does not confer a bona fide offering of services, since the Disputed Domain Name is confusingly similar to the Complainant’s ZIPRECRUITER trademark and capitalizes on the reputation and goodwill of the Complainant’s mark”. The Complainant also contends that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules and is typosquatting having regard to the prior use and well-known nature of the Complainant’s trademark, and advances the argument that the use of the Disputed Domain Name for PPC advertising is use in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being 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. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any country. [WIPO Overview 3.0](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark ZIPRECRUITER in numerous countries.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the ZIPRECRUITER trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark ZIPRECRUITER; (b) with the letter "u" replaced by the letter "o"; (c) followed by the generic Top-Level Domain ("gTLD") ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "ziprecroiter".

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 1.9.

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 disputed 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.

The Panel notes the evidence that the Disputed Domain Name resolves to a PPC landing page, which supports the Complainant's submission on that point and finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the evidenced reputation and goodwill of the Complainant's mark, the composition of the Disputed Domain Name, and the capacity to otherwise mislead Internet users.

The Panel finds the second element of the Policy has been established for all of the Disputed Domain Names.

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.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the distinctive nature of the Complainant's trademark, the Panel is satisfied that the Respondent knew of and targeted the Complainant's trademark ZIPRECRUITER when it registered the Disputed Domain Name (see *ZipRecruiter Inc. v. Lynda Drysdale*, WIPO Case No. [D2019-3068](#) ("[t]he The Panel is satisfied that the Complainant's ZIPRECRUITER Mark is well-known in its industry"); *ZipRecruiter, Inc. v. Postoffice Mailing Solutions Pvt. Ltd / Laksh Internet Solutions Private Limited / Tech Domain Services Private Limited / Web Master Internet Services Private Limited / SMVS Consultancy Private Limited / Cyber Domain Services Private Limited*, WIPO Case No. [D2018-1992](#) ("The Respondent's knowledge of the ZIPRECRUITER mark is particularly obvious, given the renown it has acquired"); *ZipRecruiter Inc. v. Privacy Service Provided by Withheld for Privacy ehf / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-4259](#) ("[t]he Complainant has credibly shown that the ZIPRECRUITER mark was widely known within its sector")).

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. This Panel finds that there is no plausible reason for the Respondent to have registered the Disputed Domain Name, incorporating a typo of the Complainant's trademark, other than to trade off the reputation and goodwill of the Complainant's well-known trademark.

Further, a gap of several years between registration of a complainant's trademark and respondent's registration of a disputed domain name (containing the trademark) can indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Name some 13 years after the Complainant established registered trademark rights in the ZIPRECRUITER mark.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name resolves to a PPC landing page bearing the words "Sports Center", "Park Pool", and "Park Centre". Some panels have found positive efforts by a respondent to avoid links which target the complainant's mark (e.g., through "negative keywords") to be a mitigating factor in assessing bad faith. [WIPO Overview 3.0](#), section 3.5. However, by failing to come forward with any reason a typo-variant version of the Complainant's trademark was used as a

source of traffic to get job seekers or employers to click on the links, presumably for the Respondent's commercial benefit, the Panel finds the mitigation, if any, is insufficient to avoid a finding that the Respondent has used the Disputed Domain Name in bad faith.

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 <ziprecroiter.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: July 29, 2024