

## **ADMINISTRATIVE PANEL DECISION**

Rightmove Group Limited v. lopndo smomrd  
Case No. D2024-2577

### **1. The Parties**

The Complainant is Rightmove Group Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is lopndo smomrd, United Kingdom.

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

The disputed domain name <rightmove-uk.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2024. On June 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 2024, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 26, 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 26, 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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 18, 2024.

The Center appointed Dawn Osborne 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 is a market leader in the property search industry in the United Kingdom and has featured on third-party news sites relating to news stories based on studies and statistics emanating from the Complainant, including the BBC News web site.

The Complainant owns the trade mark RIGHTMOVE registered as a word trade mark in the United Kingdom, including registration number 2432055 since July 27, 2007 in Classes 9, 35, 36, 38, and 42 for software and real estate services related to the Complainant's business.

The disputed domain name was registered on November 20, 2023, and previously was redirecting to the web site for BBC News at "www.bbc.co.uk", but currently resolves to the Registrar's holding page.

The Respondent has provided an email address containing the Complainant's RIGHTMOVE mark which implies an affiliation with the Complainant. The Respondent has also provided false address details for disputed domain name in the Whois database.

#### **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.

Notably, the Complainant contends that:

The disputed domain name is confusingly similar to the Complainant's RIGHTMOVE mark containing it in its entirety merely adding the geographical term "uk", a hyphen and the generic Top-Level Domain ("gTLD") ".com" which is a standard registration requirement.

The Respondent does not have any rights or legitimate interests or trade mark rights in the disputed domain name, is not commonly known by it and is not authorised by the Complainant.

Redirecting the disputed domain name to the BBC News site to cause confusion and increase traffic is not a bona fide offering of services or a legitimate non commercial fair use. Nor is passively holding the disputed domain name.

The disputed domain name (confusingly similar to the Complainant's widely-known trade mark) has been registered and used in opportunistic bad faith being redirected to the BBC news site to increase traffic and cause confusion for commercial gain, targeting the Complainant and disrupting its business.

Passive holding of a mark containing a widely known mark with no good faith or possible good faith use where the Respondent has taken steps to conceal its identity is bad faith registration and use under the Policy.

Use of an email address containing the Complainant's mark which implies an affiliation with the Complainant and providing a false contact address for the Whois details of the disputed domain name are additional indications of bad faith.

##### **B. Respondent**

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

## **6. Discussion and Findings**

### **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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced 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.

Although the addition of a hyphen and other terms, here "uk", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The gTLD ".com" is a standard registration requirement and as such is disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.

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.

The Respondent is not authorised by the Complainant. There is no evidence that the Respondent is commonly known by the disputed domain name. Geographical terms such as "uk" added to a known complainant's mark (which is headquartered in the United Kingdom) in a domain name are commonly seen as implying an affiliation with that complainant and not legitimate use. [WIPO Overview 3.0](#), section 2.5.1. Pointing a domain name containing a complainant's widely-known mark to a third-party commercial site or pointing it to a Registrar holding page and providing false contact details for that domain name is not a bona fide offering of services or a legitimate non commercial fair use. [WIPO Overview 3.0](#) section 2.5.3.

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 notes that the Respondent has provided false contact details for the Whois database relating to the disputed domain name and has pointed it to the BBC News site before directing it to the Registrar's holding page.

The Complainant has demonstrated that the Respondent is directing the site to an unrelated commercial site and argues this is in a likely attempt to increase traffic for the disputed domain name, diverting Internet users looking for the Complainant for ultimate commercial gain, satisfying paragraph 4(b)(iv) of the Policy. The Respondent has not replied to this Complaint or disputed that this is the case. The Panel is persuaded that the Complainant has made out a reasonable argument that paragraph 4(b)(iv) has been satisfied.

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.

The provision of patently false contact details for the Whois details of a domain name is an indication of bad faith per se. Also pointing the disputed domain name containing the Complainant's widely-known trade mark to an unrelated commercial site is disruptive to the Complainant's business without any justification from the Respondent and coupled with false contact details for the Whois details for the disputed domain name effectively seeks to avoid accountability and target the Complainant in an abusive manner which appears to be bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record and current use, the Panel notes the reputation of the Complainant's trademark, and the composition of the disputed domain name using the geographical term 'uk' that implies affiliation with the Complainant which is based in the UK (see findings above), and further finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <rightmove-uk.com> be transferred to the Complainant.

*/Dawn Osborne/*

**Dawn Osborne**

Sole Panelist

Date: July 29, 2024