

ADMINISTRATIVE PANEL DECISION

Teradata US, Inc. v. Brett Robinson
Case No. D2024-2963

1. The Parties

The Complainant is Teradata US, Inc., United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Brett Robinson, United States.

2. The Domain Name and Registrar

The disputed domain name <teratacorp.com> is registered with Global Domain Group LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 22, 2024. On July 22, 2024, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 2024, the Registrar transmitted to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 proceeding commenced on July 29, 2024. In accordance with the Rules, paragraph 5, the due date for the Response was August 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 6, 2024.

The Center appointed Professor Ilhyung Lee as the sole panelist in this matter on September 17, 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 wholly owned subsidiary of Teradata Corporation, which the Complainant describes as “an American software company [first incorporated in 1979] that provides cloud database and analytics-related software, products, and services.” The Complainant owns a number of TERADATA marks for its products and services, which are registered in various countries, including the United States (registration number 1461689, registered on October 20, 1987), and Canada (registration number TMA609842, registered on May 10, 2004). Teradata Corporation registered the domain name <teradata.com>, on June 27, 1997.

The disputed domain name was registered on April 23, 2024. The disputed domain name resolves to an inactive website. At the time of the Complaint, Internet users who resorted to the disputed domain name were taken to a Registrar-parked page that included text stating, “Something amazing will be constructed here.” The Complainant provided evidence that the Respondent has used the disputed domain name to send phishing emails, wherein the Respondent sought to impersonate the Complainant’s procurement employees.

5. Parties’ Contentions

A. Complainant

The Complainant contends principally that: (i) the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights; (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 being used in bad faith. In addition, the Complaint states, *inter alia*:

“Complainant’s TERADATA brand is well recognized and respected worldwide and in their industry.”

“Respondent is not sponsored by or affiliated with Complainant in any way.”

“Complainant has not given Respondent permission to use Complainant’s trademarks in any manner, including in domain names.”

“Respondent has registered and used the Disputed Domain Name for the purposes of launching a phishing attack, which is clear evidence of bad faith registration and use.... Respondent has used the Disputed Domain Name to send fraudulent emails, which had the appearance of coming from one of Complainant’s Procurement employees, to unsuspecting vendors. As part of this fraud, Respondent created at least one e-mail address based on the domain name ‘@teratacorp.com’ and included one of Complainant’s official addresses beneath the impersonated employee’s signature in a bid to increase the likelihood of conclusion.”

B. Respondent

The Respondent did not reply to the Complainant’s contentions. Under paragraphs 5(f) and 14(a) of the Rules, the Panel may decide the dispute based on the Complaint. Paragraph 14(b) allows the Panel to draw appropriate inferences from the Respondent’s default.

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 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 Panel concludes that the disputed domain name <teradacorp.com> is identical or confusingly similar to a mark in which the Complainant has rights (TERADATA), under paragraph 4(a)(i) of the Policy. The Complainant's mark is plainly recognizable in the disputed domain name. The addition of the term "corp" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com", a technical registration requirement, is disregarded in the consideration of this element. [WIPO Overview 3.0](#), section 1.11.1.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or 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 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.

Here, the Complainant states that it did not authorize the Respondent to use the TERADATA mark and has met its initial burden of making a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances that may demonstrate the Respondent's rights or legitimate interests in the disputed domain name. The Respondent has defaulted. The Panel is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name, as described in the Policy, or otherwise.

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, e.g., phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must show that the disputed domain name “has been registered and is being used in bad faith”. Paragraph 4(b) provides a non-exhaustive list of circumstances that can satisfy this element. 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.

Here, the disputed domain name resolves to an inactive site. The record indicates that the Respondent has used the disputed domain name to impersonate the Complainant in email correspondence. “Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution.... Many such cases involve the respondent’s use of the domain name to send deceptive emails” [WIPO Overview 3.0](#) section 3.4. The present case appears to be an example of such bad faith use.

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 (for example, phishing, impersonation) 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 <teradacorp.com> be transferred to the Complainant.

/Ilhyung Lee/

Ilhyung Lee

Sole Panelist

Date: October 1, 2024