

ADMINISTRATIVE PANEL DECISION

Insight Global, LLC v. Marie Nance, Maries Nance
Case No. D2024-4626

1. The Parties

The Complainant is Insight Global, LLC, United States of America (“United States”), represented by Troutman Pepper, United States.

The Respondents are Marie Nance and Maries Nance, United States.

2. The Domain Names and Registrar

The disputed domain names <insightglobals-talent.com>, <insightglobalstalent.com>, <insightglobal-talent.com> and <insightglobaltalents.com> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2024. On November 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 14, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint on November 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 Respondents of the Complaint, and the proceedings commenced on November 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on December 12, 2024.

The Center appointed Joseph Simone as the sole panelist in this matter on December 27, 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, Insight Global, LLC, is a global human resources services company that specializes in recruitment of information technology, government, accounting, finance, and engineering professionals and delivering related solutions to Fortune 1000 clients. Staffing Industry Analysts has recognized the Complainant as one of the three largest information technology staffing firms in the United States for many consecutive years, including in its most recent list from 2023.

The Complainant has an extensive global portfolio of trade mark registrations incorporating INSIGHTGLOBAL, including the following:

- United States Trade Mark Registration No. 4997327 in Class 35, registered on July 12, 2016; and
- European Trade Mark Registration No. 018719096 in Class 35, registered on November 10, 2022.

The disputed domain names are created on the following dates:

- <insightglobals-talent.com> - October 24, 2024;
- <insightglobalstalent.com> - October 14, 2024;
- <insightglobal-talent.com> - October 7, 2024; and
- <insightglobaltalents.com> - October 7, 2024.

The evidence provided by the Complainant indicates that, at the time of filing the Complaint, the disputed domain names <insightglobalstalent.com>, <insightglobal-talent.com>, and <insightglobaltalents.com> resolved to an error page, but the disputed domain name <insightglobals-talent.com> resolved to a website displaying a picture of one of the Complainant's employees and the Complainant's logo and inviting users to enter the reference number to schedule a meeting. At the time of issuance of this Decision, all of the disputed domain names resolved to an error page.

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 contends that the disputed domain names registered by the Respondents are identical or confusingly similar to the Complainant's INSIGHTGLOBAL trade marks, and that the addition of the generic Top-Level Domain ("gTLD") ".com" does not affect the analysis as to whether the disputed domain names are identical or confusingly similar to the Complainant's trade marks.

Furthermore, the Complainant argues that the addition of the terms “talent” and “talents” does not prevent a finding of confusing similarity between the disputed domain names and the Complainant’s INSIGHTGLOBAL mark.

The Complainant asserts that it has not authorized the Respondents to use the INSIGHTGLOBAL mark, and there is no evidence to suggest that the Respondents have used, or undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services.

The Complainant also claims there is no evidence indicating that the Respondents have any connection to the INSIGHTGLOBAL mark in any way, and that there is no plausible good faith reason for the Respondents to have registered the disputed domain names. The Complainant therefore argues that the registration and any use of the disputed domain names whatsoever must be in bad faith.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

It is for the Panel to decide, in the light of the evidence produced and the submissions made, whether the disputed domain names in this case are registered by the same domain name holder. See *Valeant Pharmaceuticals International, Inc., Inova Pharmaceuticals (Australia) Pty Limited v. Luca Radu, Fundacion Private Whois, Maxim Conovalov, Vasju Pere*, WIPO Case No. [D2013-1918](#).

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), with reference to consolidation at paragraph 4.11.2, includes the following considerations:

“Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants’ identity(ies) including pseudonyms, (ii) the registrants’ contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).”

The Complainant asserts that consolidation of multiple Respondents in this case is justified because all the disputed domain names (i) were registered using the same Registrar; (ii) were registered within a short period of time; (iii) the registrants, whose names are almost identical, claim to be based on the same street in San Francisco, California; and (iv) two out of three street numbers on the same street do not exist. Therefore, the address information is false. The Panel further notes that the disputed domain names share a similar naming pattern incorporating the Complainant's well-known trade mark in its entirety with the addition of hyphen and/or descriptive terms that refer to the Complainant's services.

The Respondents have not presented any arguments as to why consolidation would be unfair or inequitable.

Based on the above considerations, the Panel finds that the disputed domain name registrants are under common control and the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel concludes that the conditions permitting consolidation of the disputed domain names into one matter are present here. The different disputed domain name registrants will be referred to below as "the Respondent".

A. Identical or Confusingly Similar

To prevail in a UDRP dispute, the first element that a complainant must prove is that the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the complainant has rights. It is widely accepted that this 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 3.0](#), section 1.7.

The Panel acknowledges that the Complainant has established rights in the INSIGHTGLOBAL trade marks in many jurisdictions around the world.

Disregarding the gTLD ".com", the disputed domain names incorporate the Complainant's trade mark INSIGHTGLOBAL in its entirety. Thus, the disputed domain names should be regarded as confusingly similar to the Complainant's INSIGHTGLOBAL trade mark. The inclusion of the additional terms "talent" or "talents" or the additional letter "s" do not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

The Panel therefore finds that the Complainant satisfies the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the INSIGHTGLOBAL trade mark and in showing that the disputed domain names are confusingly similar to its mark.

B. Rights or Legitimate Interests

The second element that a complainant must prove is that the respondent has no rights or legitimate interests in the disputed domain name. 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 evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Complainant asserts that it has not authorized the Respondent to use its trade mark and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain names. Meanwhile, no evidence has been provided to demonstrate that the Respondent, prior to the notice of the dispute, had used or demonstrated its preparation to use the disputed domain names in connection with a bona fide offering of goods or services.

There is also no evidence adduced to show that the Respondent has been commonly known by the disputed domain names or the Respondent is making a legitimate noncommercial or fair use of the disputed domain names. As such, the Panel concludes that the Respondent has failed to rebut the Complainant's prima facie showing of the Respondent's lack of rights or legitimate interests in the disputed domain names, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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).

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain names.

When the Respondent registered the disputed domain names, the INSIGHTGLOBAL trade marks were already widely known and directly associated with the Complainant's activities. UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Given the extensive prior use and fame of the Complainant's marks, in the Panel's view, the Respondent should have been aware of the Complainant's marks when registering the disputed domain names.

The Complainant's registered trade mark rights in INSIGHTGLOBAL predate the registration date of the disputed domain names. A simple online search for the term "insightglobal" would have revealed that it is an established brand. [WIPO Overview 3.0](#), section 3.2.2.

The Respondent has not presented any evidence or explanation to justify its choice of the term "insightglobal" and the terms "talent" or "talents" in the disputed domain names. Considering that the terms "talent" and "talents" are directly relevant to the Complainant's business, the Panel finds it unlikely that the Respondent's selection of the terms "insightglobal", "talent" and "talents" is merely coincidental, particularly noting the fact that one of the disputed domain names resolved to a website displaying a picture of one of the Complainant's employees and the Complainant's logo.

The Panel is therefore of the view that the Respondent registered the disputed domain names with knowledge of the Complainant's trade mark rights.

No evidence has been presented of any plausible good faith reasons for the Respondent to have registered and used the disputed domain names. The disputed domain name <insightglobals-talent.com> resolved to a website displaying a picture of one of the Complainant's employees and the Complainant's logo and inviting users to enter the reference number to schedule a meeting. Therefore, the Respondent has attempted to impersonate the Complainant possibly for conducting fraudulent activities. The Panel therefore finds that, by registering and using this disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy). The Panel also finds that the passive holding of the remaining disputed domain names in this case does not prevent a finding of bad faith under the Policy considering the reputation of the Complainant's trade mark and the composition of the disputed domain names clearly targeting the Complainant. [WIPO Overview 3.0](#), section 3.3.

Accordingly, the Panel finds that the disputed domain names were registered and are being used in bad faith.

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 names <insightglobals-talent.com>, <insightglobalstalent.com>, <insightglobal-talent.com> and <insightglobaltalents.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: January 10, 2025