

ADMINISTRATIVE PANEL DECISION

LeapFrog Investments Platform, LTD v. Michael Ansari
Case No. D2024-4762

1. The Parties

The Complainant is LeapFrog Investments Platform, LTD, Mauritius, represented by Wiley Rein LLP, United States of America ("United States").

The Respondent is Michael Ansari, United States.

2. The Domain Name and Registrar

The disputed domain name <leapfroginvest.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 19, 2024. On November 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 19, 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 (Domain Administrator, See Privacy Guardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 20, 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 November 21, 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 November 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 18, 2024.

The Center appointed Karen Fong as the sole panelist in this matter on January 3, 2025. 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

Founded in 2007, the Complainant provides investment services to businesses in Africa and Asia under the name LeapFrog Investments. The Complainant maintains USD 3.6 billion across its portfolio and its investors include Morgan Stanley, J.P. Morgan, Prudential, AIG, and MetLife.

The Complainant's main website is found at the domain name <leapfroginvest.com> which was registered in 2007. This domain name is also used for the email addresses by which the Complainant's employees communicate with its customers and each other.

The trade mark LEAPFROG INVESTMENTS is registered in many countries including the following:

- United States Trademark Registration No. 3634463 for LEAPFROG INVESTMENTS registered on June 9, 2009;
- European Union Trade Mark Registration No. 008511917 for LEAPFROG INVESTMENTS registered on February 10, 2010; and
- Australia Trade Mark Registration No. 1808687 for LEAPFROG INVESTMENTS registered on November 11, 2016 (individually and collectively referred to as the "Trade Mark").

The Respondent appears to be based in the United States, according to the registrant information provided by the Registrar. The disputed domain name was registered on November 13, 2024. The disputed domain name resolves to a pay-per-click ("PPC") webpage with commercial links to third party websites (the "Website"). An email server has also been configured on the disputed domain name.

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 Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in 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 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Panel finds the mark is recognizable within the disputed domain name, being an intentional misspelling of the Trade Mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 and 1.9.

Based on the available record, 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.

While 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 often impossible 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. 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 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.

Moreover, the nature of the disputed domain name is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant particularly since it is almost identical to the Complainant’s domain name. The sole difference between the Complainant’s own domain name and the disputed domain name is that the letter “i” in the word “invest” in the Complainant’s domain name is replaced with the letter “l”. [WIPO Overview 3.0](#), section 2.5.1. See also *Banque et Caisse d’Epargne de l’Etat, Luxembourg, v. Domain Admin, Whoisprotection.cc / hans larsson*, WIPO Case No. [D2022-1505](#).

Based on the available record, 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 must have been aware of the Trade Mark when he registered the disputed domain name given the Trade Mark was registered prior to registration of the disputed domain name and fact that the disputed domain name is almost identical to the Complainant’s domain name. It is therefore implausible that the Respondent was unaware of the Complainant when he registered the disputed domain name.

In the [WIPO Overview 3.0](#), section 3.2.2 states as follows:

“Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers),

panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith. The fact that the disputed domain name is a misspelling of the Complainant's domain name further indicates that the Respondent had actual knowledge of and was targeting the Complainant when registering the disputed domain name.

The disputed domain name is also being used in bad faith.

The Website is a PPC site which has been set up for the commercial benefit of the Respondent. It is highly likely that Internet users when typing the disputed domain name into their browser, or finding it through a search engine would have been looking for a site operated by the Complainant rather than the Respondent. The disputed domain name is likely to confuse Internet users trying to find the Complainant's website. Such confusion will inevitably result due to the fact that the disputed domain name comprises the Complainant's distinctive Trade Mark and is almost identical to the Complainant's own domain name.

The Respondent employs the reputation of the Trade Mark to mislead users into visiting the disputed domain name instead of the Complainant's. From the above, the Panel concludes that the Respondent intentionally attempted to attract for commercial gain, by misleading Internet users into believing that the Respondent's Website is that of or authorised or endorsed by the Complainant.

Further, based on the available record, the Panel notes that a mail server has been configured on the disputed domain name.

Section 3.4 of [WIPO Overview 3.0](#) states as follows:

"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. (In some such cases, the respondent may host a copycat version of the complainant's website.) Many such cases involve the respondent's use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers."

Although there is no evidence that the Respondent has actually sent phishing or fraudulent emails so far, the presence of an email server configured to the disputed domain name is an indicator that the disputed domain name could potentially be used to perpetuate phishing schemes and other email scams.

Considering the circumstances, the Panel considers this further supports that the disputed domain name is also being used in bad faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith under paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <leapfrogInvest.com> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: January 17, 2025