

ADMINISTRATIVE PANEL DECISION

GlossGenius, Inc. v. pete barnes, melinda williams, Stefon malik
Case No. D2024-4840

1. The Parties

The Complainant is GlossGenius, Inc., United States of America, represented by Cantor Colburn LLP, United States of America.

The Respondents are pete barnes, melinda williams and Stefon malik, United States of America.

2. The Domain Name and Registrar

The disputed domain names <glossgeniusbonus.com>, <glossgeniuscredits.com>, and <glossgenius500.com> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 22, 2024. On November 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 25, 2024, the Registrar transmitted by email to the Center its verification disclosing registrants and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 2024, with the registrants and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints 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 domain names are under common control. The Complainant filed an amended Complaint on November 27, 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 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2024. The Respondents did not submit any

response. Accordingly, the Center notified the Respondents' default on December 20, 2024. The Center appointed Dennis A. Foster as the sole panelist in this matter on December 30, 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 corporation organized under the laws of Delaware that operates its business in New York. The Complainant began operations in 2015: it makes and sells software for managing beauty salon and spa businesses.

The Complainant owns a GLOSSGENIUS service mark registered in the United States of America, registration no. 7314996, registration date February 27, 2024, in International Class 009 for downloadable software applications.

The Complainant runs its business from its website at "www.glossgenius.com", which domain name the Complainant registered on October 22, 2015.

The Respondents registered the three disputed domain names on the following dates: <glossgeniuscredits.com> registered on October 21, 2024; <glossgeniusbonus.com> registered on November 8, 2024; and <glossgenius500.com> registered on November 20, 2024. The disputed domain names <glossgeniusbonus.com> and <glossgenius500.com> resolve to login websites purportedly offering USD 500 credits to users when they log in. Similarly, the disputed domain name <glossgeniuscredits.com> resolves to a website explaining the terms and conditions of the USD 500 promotional offer.

5. Parties' Contentions

A. Complainant

-The disputed domain names are confusingly similar to the Complainant's registered GLOSSGENIUS mark within the meaning of the Policy.

-The additional terms "credit" and "bonus" are each generic or merely descriptive.

-The additional number "500" has little specific meaning on its own, but the content of the website includes a false USD 500 bonus offer from the Respondent, posing as the Complainant, to the Complainant's customers.

-There is no relationship between the Complainant and the Respondents that would give the Respondents any authorization to use the disputed domain names.

-The Respondents are not commonly known by the disputed domain names.

-The Respondents are not making a noncommercial or fair use of the disputed domain names.

-The Respondents are not using the disputed domain names to make a bona fide offering of goods and services. They are instead using the disputed domain names in "phishing" for personal information and financial data in order to defraud its Internet visitors.

-The Respondents already knew of the existence and significance of the Complainant's service mark and its business before registering the disputed domain names.

-The Respondents are intentionally attempting to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's GLOSSGENIUS marks in bad faith under the Policy.

-The disputed domain names should be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Consolidation of Multiple Respondents

There are three named Respondents (three underlying registrants disclosed by the Registrar). The Complainant requests that all three be consolidated into this matter. The Panel accepts the Complainant's request and finds that consolidation is proper.

Paragraph 10(e) of the Rules states that a "[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules". Paragraph 10(c) of the Rules provides, in relevant part, that "the [p]anel shall ensure that the administrative proceeding takes place with due expedition". Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") summarizes the consensus view of UDRP panels on the consolidation of multiple respondents and provides that where a complaint is filed against multiple respondents, panels consider whether the domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all parties.

The record indicates the disputed domain names are under common control. The following facts support this conclusion:

- All the Respondents have the same street name,
- The content on the websites connected to the disputed domain names are similar,
- The disputed domain names are registered with the same Registrar.

The Respondents have not presented any arguments as to why consolidation would be unfair or inequitable. Accordingly, conditions for proper consolidation of the disputed domain names into one matter are present here.

6.2. Substantive Matters

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following in order to obtain a transfer or cancellation of a disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service 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.

Under paragraph 15(a) of the Rules, a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

A. Identical or Confusingly Similar

The Complainant has provided a copy of its GLOSSGENIUS service mark registration in the United States of America whose details the Panel has laid out in the Factual Background section above. The Panel finds that this is conclusive proof that the Complainant has trademark rights for GLOSSGENIUS. [WIPO Overview 3.0](#), section 1.2.1.

As for identity or confusing similarity, the Panel notes that, in the disputed domain names, the Respondents have added to the Complainant's service mark the words "bonus" and "credits", and the number "500". The Panel finds that the Complainant's GLOSSGENIUS mark still is recognizable in the disputed domain names, and that therefore the disputed domain names are confusingly similar to the Complainant's mark. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Owing to the difficulty the Complainant might have trying to "prove a negative", i.e., to prove that the Respondent does not have rights or legitimate interests in the disputed domain names, it is the consensus under the Policy that initially it is sufficient for the Complainant to make a prima facie case, and then it is up to the Respondent to come forward to rebut the Complainant's prima facie case. If the Respondent fails to do so, the Complainant's prima facie case prevails. [WIPO Overview 3.0](#), section 2.1.

In this proceeding, the Complainant avers that the Respondents did not have any authorization or right to use the disputed domain names that contain the Complainant's service mark. This is an acceptable prima facie case under the Policy. [WIPO Overview 3.0](#), section 2.1. The Respondents are in default and thus have not come forward to rebut the Complainant's prima facie case, but the Panel will nonetheless examine the record to see if there may be evidence that supports the Respondents per Policy paragraph 4(c)(i, ii, and iii).

The Respondents are using the disputed domain names to impersonate the Complainant and to claim to be offering financial incentives for Internet users to patronize beauty salons and spas while the Respondents also attempt to collect personal and financial data. The Panel finds this is not a bona fide offering of goods or services as permitted under paragraph 4(c)(i) of the Policy and as the Panel will discuss further in the Bad Faith section below. [WIPO Overview 3.0](#), section 2.13.1.

The Panel further finds that none of the Respondents has been commonly known by the Complainant's GLOSSGENIUS service mark, and thus the Respondents cannot claim rights or legitimate interests in the disputed domain names per Policy paragraph 4(c)(ii). Still further, there is nothing in the record to suggest that the Respondents are using the disputed domain names for a fair use or a noncommercial use per Policy paragraph 4(c)(iii).

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) gives four non-exhaustive circumstances in which a respondent may be found to have registered and used a disputed domain name in bad faith. In the present case, the Respondents registered the disputed domain names that feature the Complainant's mark in a confusingly similar way per the discussions above. The Respondents added words to the Complainant's GLOSSGENIUS service mark, "bonus", "credits" and the number "500" that show that the Respondents were familiar with the Complainant and its business at the time the Respondents registered the disputed domain names.

The Panel thus finds bad faith as per paragraph 4(b)(iv) of the Policy:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

The Panel finds that the Respondents used the Complainant's trademark in the disputed domain names to attract Internet visitors to their websites for financial gain.

Per the above discussion, the Panel finds the Respondents registered and used the disputed domain names in bad faith under Policy paragraph 4(a)(iii).

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 <glossgeniusbonus.com>, <glossgeniuscredits.com> and <glossgenius500.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: January 13, 2025