

## **ADMINISTRATIVE PANEL DECISION**

Infonet Publications, Inc., c/o Walters Law Group v. google help, google us  
Case No. D2024-4882

### **1. The Parties**

The Complainant is Infonet Publications, Inc., c/o Walters Law Group, United States of America (“United States”), represented by Walters Law Group, United States.

The Respondent is google help, google us, United States.

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

The disputed domain name <topsexyjobs.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 (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 28, 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 amendment to the Complaint on November 28, 2024.

The Center verified that the Complaint together with the amendment to 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 proceedings commenced on December 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 23, 2024.

The Center appointed Evan D. Brown 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 provides a website that serves as an “alternative job board” promoting opportunities to work as models, entertainers, and in other roles generally in the adult entertainment context. It owns the trademark SEXY JOBS, for which it enjoys the benefits of registration in the United States (Registration No. 4,294,611, registered on February 26, 2013).

According to the Whois records, the disputed domain name was registered on October 24, 2024. The Respondent has used the disputed domain name to resolve to a website which is a virtually identical copy of the Complainant's website and redirect to the Complainant's website through an embedded window.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of 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 respond to the Complainant's contentions.

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7. 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. This element requires the Panel to consider whether the Complainant has rights in a relevant mark and whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has demonstrated its rights in the SEXY JOBS mark by providing evidence of its trademark registration.

The disputed domain name incorporates the Complainant's SEXY JOBS mark in its entirety. The addition of the term "top" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark. The SEXY JOBS mark remains clearly recognizable for a showing of confusing similarity under the Policy.

It is standard practice when comparing a disputed domain name to a complainant's trademarks to disregard the Top-Level Domain ("TLD"). See [WIPO Overview 3.0](#), section 1.11.1. The Panel finds that the inclusion of the generic TLD ".com" has no effect on the assessment of confusing similarity.

Accordingly, the Panel finds that the first element of the Policy has been satisfied.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first determining whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes this showing, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests, though the ultimate burden of proof remains with the Complainant. See [WIPO Overview 3.0](#), section 2.1.

The Complainant asserts that the Respondent is not a licensee of the Complainant and is not otherwise authorized to use the Complainant's registered trademark, SEXY JOBS. The Complainant further asserts that the Respondent is not commonly known by the disputed domain name, nor does the Respondent have any connections to the term "topsexyjobs". The Complainant's trademark registration predates the Respondent's registration of the disputed domain name by more than ten years, and the Complainant has used the SEXY JOBS mark in commerce for over 25 years prior to the disputed domain name's registration.

The Complainant further asserts that the Respondent's use of the disputed domain name does not appear to relate to any bona fide offering of goods or services. The evidence submitted shows that the Respondent has used the disputed domain name to resolve to a website which is a virtually identical copy of the Complainant's website, effectively redirecting traffic through an embedded window to the Complainant's website without altering the domain name in the browser bar. The Complainant argues that such use does not confer rights or legitimate interests to the Respondent.

Furthermore, after the Complainant became aware of the disputed domain name and took steps to procure a ban on traffic originating from it, the appearance and functionality of the Respondent's website were disrupted. The Complainant asserts that this shows that the Respondent's sole use of the disputed domain name was to improperly embed the Complainant's content, a use that cannot be considered legitimate under the Policy.

The Panel finds that the Complainant has made the requisite prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not submitted a Response or provided any evidence to rebut this showing. There is no indication in the record that the Respondent's use of the disputed domain name is related to any legitimate or bona fide purpose.

Accordingly, the Panel finds that the Complainant has established the second element under the Policy.

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy sets out four non-exhaustive circumstances of registration and use of a domain name in bad faith. In the absence of a rebuttal from the Respondent, these circumstances can be established through the Complaint and supporting evidence. In this case, the Complainant relies on the provisions of paragraph 4(b)(iii) and 4(b)(iv), which provide that bad faith can be demonstrated if (1) the Respondent registered the disputed domain name primarily to disrupt the business of a competitor, or (2) the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

The Complainant has demonstrated that its SEXY JOBS mark is well known and enjoys a substantial reputation. Given the mark's significant value and goodwill and the use of the disputed domain name to resolve to a website which is a virtually identical copy of the Complainant's own website, the Panel finds it evident that the Respondent was aware of the Complainant's rights at the time it registered the disputed domain name. This supports the inference that the Respondent registered the domain name with knowledge of the Complainant's rights, thereby demonstrating bad faith registration.

The evidence further shows that the Respondent has used the disputed domain name to redirect traffic to the Complainant's website via an embedded window. Such use could create a likelihood of confusion as to the source or sponsorship of the disputed domain name and could imply an unauthorized association with the Complainant. Redirecting a domain name to the complainant's own website supports a finding of bad faith, as it indicates an intent to exploit the complainant's goodwill for commercial gain and poses a risk that the Respondent could at any time redirect traffic to a different website, potentially causing harm to the Complainant's reputation. Such use cannot be considered legitimate under any plausible circumstances.

Accordingly, the Panel finds that the Complainant has satisfied the third element of paragraph 4(a) 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 <topsexyjobs.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: January 8, 2025