

## **ADMINISTRATIVE PANEL DECISION**

Inriver AB v. wu yan  
Case No. D2024-5006

### **1. The Parties**

The Complainant is Inriver AB, Sweden, represented by Hansson Thyresson AB, Sweden.

The Respondent is wu yan, Republic of Korea.

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

The disputed domain name <inriver-semi.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 4, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 5, 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 (N/A, Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 6, 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 December 6, 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 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 30, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on January 7, 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**

The following facts are undisputed.

The Complainant is a Swedish company, established in 2007, that offers product information management solutions. The Complainant serves over 600 customers across numerous countries and supports a wide range of business, from small enterprises to large multinational corporations.

The Complainant owns various trademarks for INRIVER, e.g., the International Trademark Registration No. 1534044 for the word mark INRIVER with a registration date of March 11, 2020, registered for goods and services in classes 9, 35 and 42, designating inter alia the United States of America, Canada and the United Kingdom, and the European Union trademark registration No. 017290231 for the word mark INRIVER, with a registration date of January 19, 2018, registered for goods and services in classes 35 and 42.

The Complainant's main website can be found at "www.inriver.com".

All of the Complainant's trademark registrations were registered before the disputed domain name, which was registered on July 9, 2024.

At the time of filing of the Complaint the disputed domain name resolved to an active website where the Respondent purportedly was offering product information management software, including a link to "Online E-Commerce", whilst using the trademark INRIVER in a script similar to the way the Complainant is using it and using a depiction that is also used on the Complainant's main website. At the time of rendering this Decision the disputed domain name does not resolve to an active website, but to a page indicating that the page is not reachable.

#### **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 the following.

The Complainant has invested substantial resources and time to cultivate a positive and widely recognized reputation and associated goodwill. Consequently, the Complainant is acknowledged by its customers and the public as a reputable and successful product information management business.

The disputed domain name is confusingly similar with the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark in its entirety with the mere addition of the generic term "semi" and the generic Top-Level Domain ("gTLD") ".com". The addition of "semi" does not make the disputed domain name any less confusingly similar to the Complainant's trademark.

The Respondent has no rights or legitimate interests in the disputed domain name. Notably, the Complainant has not authorized, by license or otherwise, the Respondent to register the disputed domain name. The Respondent's use of the disputed domain name cannot be considered a bona fide offering where the website to which the disputed domain name resolves falsely suggests an affiliation with the Complainant

by using the Complainant's trademark and similar visual content as to the Complainant's website and offers identical services as the Complainant.

Alternatively, the intent of the Respondent is to get an offer on the disputed domain name from the Complainant.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name was registered and used in bad faith and the Respondent was aware of the Complainant's prior rights and business upon registration of the disputed domain name. The disputed domain name is not being used as a genuine, noncommercial website, but is a pretext for cybersquatting. The disputed domain name was registered and used primarily to capitalize on, or otherwise take advantage of the Complainant's trademark rights for commercial gain.

## **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 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 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "-semi", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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 relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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.

Noting the lack of response, the Panel finds that the Respondent was creating the false impression that the website to which the disputed domain name resolved, was either operated or endorsed by the Complainant.

Even if the Respondent was offering the goods or services marketed by the Complainant, the Respondent would not make fair use of the Complainant's trademark in the disputed domain name. UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, and such fair use is qualified under the so-called "Oki Data" test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). The available record before the Panel does not show that the Respondent would meet the requirements of the Oki Data test.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, 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**

The Panel refers to its considerations under section 6.B.

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.

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.

The Panel finds that the Respondent's registration and use of the disputed domain name in such a manner demonstrates registration and use in bad faith, because the Respondent has intentionally attempted to create a likelihood of confusion with the Complainant, most likely in order to increase traffic on the website to which the disputed domain name resolved and commercially benefit from the Complainant's trademark and/or to impersonate the Complainant, e.g. for phishing purposes.

The Panel also notes that it is beyond reasonable doubt that the Complainant and its activities are clearly known to the Respondent and the Respondent sought to profit from the Complainant's success. The Panel finds that the current passive holding of the disputed domain name does not prevent a finding of bad faith under the circumstances of this proceeding.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, constitutes bad faith. 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 <inriver-semi.com> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: January 20, 2025