

ADMINISTRATIVE PANEL DECISION

Insight Global, LLC v. Marie Nance
Case No. D2024-5044

1. The Parties

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

The Respondent is Marie Nance, United States.

2. The Domain Name and Registrar

The disputed domain name <insightglobals-talents.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 December 6, 2024. On December 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 9, 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 PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 10, 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 December 10, 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 December 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 2, 2025.

The Center appointed Kathryn Lee as the sole panelist in this matter on January 10, 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 Complainant is an international staffing and services company that specializes in sourcing information technology, government, accounting, finance, and engineering professionals and delivering service-based solutions to Fortune 1000 clients. The Complainant completes more than 41,000 placements annually in short-term, long-term, contract-to-hire, and direct placement positions through its network of more than 70 office locations across the United States, Canada, United Kingdom, India, and Philippines (the). The Complainant has been named one of the three largest Information Technology staffing firms in America by Staffing Industry Analysts. The Complainant was founded in 2001 and owns trademark registrations for marks incorporating INSIGHT GLOBAL as below:

- INSIGHTGLOBAL and Design – United States Registration Number 4,997,327, registered on July 12, 2016
- INSIGHT GLOBAL A STAFFING SERVICES COMPANY and Design – United States Registration Number 3,630,697, registered on June 2, 2009
- INSIGHT GLOBAL UNIVERSITY – United States Registration Number 6,225,338, registered on December 22, 2020

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on November 17, 2024, and resolves to a website with a appointment scheduling window, the name and photo of the person that will supposedly take the call, along with the Complainant's mark INSIGHT GLOBAL.

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 marks in which the Complainant has rights since the disputed domain name incorporates the INSIGHTGLOBAL mark in its entirety and merely adds the letter "s" and term "talents" that allude to corporate human resource activities.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant also contends that the disputed domain name displays a link to schedule a call with an individual who is actually one of the Complainant's employees with her real name and photo along with the Complainant's logo, which is misappropriation and fraudulent use of the Complainant's identity. The Complainant also contends that the address of the Respondent provided in the Whois records does not exist.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that given the uniqueness of the INSIGHTGLOBAL mark, it is unlikely for the Respondent to have come up with the mark independently, and more likely that she registered it in order to use it in a fraudulent phishing scheme targeting people interested in careers with the Complainant, especially

given the manner in which the disputed domain name was used. The Complainant also contends that the Respondent's use of a fake address for Whois is another evidence of the Respondent's 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 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 Complainant owns three trademarks that incorporate INSIGHT GLOBAL as the dominant element. For instance, the design element in the INSIGHTGLOBAL and Design trademark can be disregarded for purposes of assessing identity or confusing similarity. [WIPO Overview 3.0](#), section 1.10. As the entirety of the text portion of the mark is reproduced within the disputed domain name, 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, the additional letter “s” and “talents” – 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.

Respondent displayed an appointment scheduling window at the website linked to the disputed domain name. The window showed the photo and name of an employee actually working for the Complainant along with the Complainant's logo, indicating that by scheduling an appointment through the window, one would get to speak with a representative of the Complainant for a potential job opportunity. This seems to be an attempt to obtain personal information for illegal purposes, and Panels have held that the use of a domain name for illegal activity – here, claimed phishing and 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 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 registered the disputed domain name which incorporates the exact trademark of the Complainant along with the term “talents” which is closely associated with the business of the Complainant, and that it is unlikely for the Respondent to have done so without prior knowledge of the Complainant and its marks. Rather, based on the manner of use of the disputed domain name, it is clear that the Respondent knew of the Complainant and its marks and targeted them when registering the disputed domain name.

Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Further, Panels have held that the use of false contact details is an indication of bad faith. [WIPO Overview 3.0](#), section 3.6.

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 <insightglobals-talents.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: February 13, 2025