

ADMINISTRATIVE PANEL DECISION

Educational Testing Service v. Yang Tianlong
Case No. D2024-5064

1. The Parties

The Complainant is Educational Testing Service, United States of America (“United States”), represented by Cantor Colburn LLP, United States.

The Respondent is Yang Tianlong, United States.

2. The Domain Name and Registrar

The disputed domain name <bbgre.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 9, 2024. On December 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 10, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 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 14, 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 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 6, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on January 16, 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 in the educational testing business. It claims to be the world's largest private educational testing organization, administering over 50 million tests annually, including the widely recognized GRE test, which has been used for graduate admissions for many years. The Complainant owns multiple trademark registrations for the GRE mark, including United States Reg. No. 1,146,134, registered on January 20, 1981.

According to the Whois records, the disputed domain name was registered on September 5, 2023. The Respondent has used the disputed domain name to publish a website relating to the GRE test, which the Complainant asserts will mislead consumers to believe that the website relates to the Complainant and is attempting to circumvent the security measures of the Complainant's English language GRE tests by selling live "real GRE exam questions."

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. *Id.*

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde*

Nast S.A. v. Voguechen, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the GRE mark by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the GRE mark in its entirety with the addition of the letters “bb”, which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s GRE mark. See [WIPO Overview 3.0](#), section 1.8. The GRE mark remains 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 not take the extension into account. See [WIPO Overview 3.0](#) at section 1.11.1 (“The applicable Top Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”).

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see 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 that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that (1) the Complainant is not aware of any relationship between it and the Respondent that would give rise to any license, permission, or authorization by which the Respondent could own or use the disputed domain name, (2) the Respondent is not commonly known by the disputed domain name, (3) the disputed domain name is being used intentionally to mislead consumers into believing that the website relates to the Complainant, and (4) the Respondent has used the disputed domain name to offer “real GRE exam questions,” which undermines the security measures of the Complainant’s testing services.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. Nothing in the record otherwise tilts the balance in the Respondent’s favor.

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

C. Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s website or other online location by creating a likelihood of confusion with the Complainant’s GRE mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location, or of a product or service on the Respondent’s website or location. See Policy, paragraph 4(b)(iv).

The record reflects that the Respondent’s website purports to sell real GRE exam questions, which as the Complainant contends directly undermines the integrity of the Complainant’s testing services and security protocols. In any case, the Panel considers that by using the disputed domain name to offer GRE exam questions, the Respondent is taking an unfair advantage of the Complainant’s trademark to attract Internet users for a commercial gain, and such activity constitutes clear bad faith use under the Policy. See [WIPO Overview 3.0](#), section 3.1.4 (bad faith is shown where a respondent’s use of a domain name is intentionally misleading consumers into believing it is associated with a complainant for commercial gain).

The Respondent has not provided any explanation of any good faith registration and use of the disputed domain name.

Accordingly, the Panel finds that the Complainant has established this third element under 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 <bbgre.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: January 30, 2025