

ADMINISTRATIVE PANEL DECISION

Scholastic Inc. v. V Villa
Case No. D2024-5088

1. The Parties

The Complainant is Scholastic Inc., United States of America (“United States”), represented by Frankfurt Kurnit Klein & Selz, PC, United States.

The Respondent is V Villa, United States.

2. The Domain Name and Registrar

The disputed domain name <scholasticpublisher.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 December 10, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 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 (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 13, 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 17, 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 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 8, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on January 13, 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, a New York, United States corporation founded in 1920, states that it is the world's largest publisher and distributor of children's books, including ebooks and audiobooks. Its materials are currently in 115,000 schools, reaching 3.8 million educators and 54 million students. The Complainant operates a website at "www.scholastic.com".

The Complainant holds multiple United States trademark registrations for SCHOLASTIC as a word mark, including Numbers 1344129 (registered on June 25, 1985) in International Class 9 and 1677988 (registered on March 3, 1992) in International Class 42, as well as figurative and formative marks.

The Registrar reports that the disputed domain name was created on November 27, 2024, and is registered to the Respondent V Villa, listing no organization and showing a postal address in the State of Texas, United States, with a contact email address using the domain name <venturevilla.org>. That domain name produces security warnings in popular browsers rather than resolving to an active website.

The disputed domain name resolves to a website headed "Scholastic Publisher", which advertises editing, ghostwriting, self-publishing, illustration, printing, and related services to help authors get their work published. The Respondent's website refers to the website operator only as "Scholastic Publisher", furnishing contact information including a postal address in Selden, New York. The New York Division of Corporations database has no listing for an entity by that name registered to do business in the state. The landing page and other pages of the Respondent's website include an image of a bookshelf that includes popular books published or distributed by the Complainant, such as the *Harry Potter* series and *Clifford the Big Red Dog*. There is no disclaimer of affiliation with the Complainant.

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 its registered SCHOLASTIC mark, incorporating it entirely. The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, not being commonly known by a corresponding name and using the disputed domain name for a copycat website offering similar publishing and marketing services for authors and similar branding using the Complainant's "iconic red color", while displaying the Complainant's copyrighted images without permission. These actions indicate that the Respondent intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion. Alternatively, the Complainant suggests, the Respondent registered the disputed domain name for the purpose of reselling it to the Complainant or disrupting its business, but in any event to profit from the unauthorized association with the Complainant's mark.

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 (SCHOLASTIC) 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, "publisher") may bear on assessment of the second and third elements, the Panel finds the addition of such a 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. The Respondent has recently mounted a website advertising publishing services, but the Respondent has not come forward with evidence that this business is genuine or that the disputed domain name corresponds with a legal entity or trade name. The Respondent's website copies images from the Complainant's book list and falsely implies an association with the Complainant, which is not consistent with use of the disputed domain name in connection with a "bona fide" offering of goods or services (Policy, paragraph 4(c)(i)).

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 was clearly aware of the Complainant, a market leader in the book publishing industry, and its well-known and long-established SCHOLASTIC mark. Similar images of several of the Complainant's publications appear prominently on the Respondent's website, contributing to a false impression that the Respondent is affiliated with the Complainant. The composition of the disputed domain name is doubly misleading, incorporating the Complainant's mark in its entirety and adding the word "publisher", which describes the Complainant's business as well as the Respondent's service offerings.

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. Here, the Respondent's conduct plainly fits the example of attempting to attract Internet users to a website for commercial gain with a confusingly similar domain name (paragraph 4(b)(iv)).

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 <scholasticpublisher.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: January 17, 2025