

## **ADMINISTRATIVE PANEL DECISION**

Project Management Institute, Inc. v. Sell Zons  
Case No. D2024-5236

### **1. The Parties**

The Complainant is Project Management Institute, Inc., United States of America ("United States"), represented by Roche Pia LLC, United States.

The Respondent is Sell Zons, Sierra Leone.

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

The disputed domain name <buypmp.com> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 19, 2024. On December 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 21, 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 Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 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 23, 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 January 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2025. The Respondent sent email communications to the Center on December 23, 2024.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on February 3, 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 a leading authority on project management. It prepares organizations and individuals to employ the tools of global advocacy, networking, collaboration, research, and education in the Project Management industry through a certification process.

One of its certification programs is its PMP (Project Management Professional) certification program. The credential PMP is globally recognized and requested by clients. Individuals certified by the Complainant are able to demonstrate to employers, clients, and colleagues that they possess the necessary project management knowledge, experience and skills to bring projects to successful completion. Practitioners who receive the PMP certification are well positioned to provide the professional skills necessary to lead project teams and achieve successful project results. When used as a mark for the provision of certification the PMP mark signifies that the Complainant user of the mark has met specific, stringent standards established by the Complainant to enable certification to be given.

Since at least 1983, the Complainant has continuously used the trade mark PMP in connection with its business, products and services and for the certification of others meeting the standards necessary to receive the credential PMP.

The trade mark PMP is prominently displayed on the Complainant's website, literature, and products. The mark is well-known in respect of the Complainant's activities.

The Complainant, at Annexes 4, 5, 6 and 7 to the Complaint, exhibits certificates of registration for four United States trade marks upon which it relies. These are respectively as follows:

- Registration No. 2180481, registered on August 11, 1998 for the mark PMP
- Registration No. 3748623, registered on February 16, 2010 for the mark PMP
- Registration No. 2889062, registered on September 28, 2004 for the mark PROFESSIONAL MANAGEMENT PROFESSIONAL
- Registration No. 3614943, registered on May 5, 2009 for the mark PROJECT MANAGEMENT PROFESSIONAL (PMP)

The Complainant also trades using domain names including "www.pmp.com" which it utilizes to direct consumers to its primary website, "www.pmi.org".

Evidence of the Respondent's activities is contained in Annex 3 to the Complaint which is an extract from the Respondent's website which promotes under the logo BUYPMP (and device) "Professional Assistance for the PMI PMP Exam" and offers the opportunity to "Pay Someone to Take MY PMI PMP Certification Exam Today". As put by the Complainant, the Respondent is offering "proxy test-taking services" on its web site which is accessed through the disputed domain name. The Complainant points out that proxy test-taking occurs where one individual takes a certification exam on behalf of another which is an unethical and fraudulent practice.

The Complainant demonstrates by reference to Annex 3 that the Respondent is using the mark PMP in order to simultaneously capitalize upon and yet also delegitimize the Complainant's PMP certification by offering to

obtain such certification for third parties who are willing to cheat to obtain results. This conduct harms the Complainant, as well as individuals who obtained their credentials in a legitimate fashion, potential employers, and the public as a whole.

It should be noted that the disputed domain name was registered on March 17, 2024, which is after the date of registration of the trade marks relied upon by the Complainant.

In the absence of a Response the Panel finds the evidence adduced by the Complainant in the Complaint to be true.

## **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:

- i. the disputed domain name is confusingly similar to the Complainant's trade marks incorporating PMP;
- ii. the Respondent has no rights or legitimate interests in the domain name;
- iii. the disputed domain name was registered and being used in 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 entirety of the mark PMP 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, the word "buy", 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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In this case, as put by the Complainant, the Panel finds that the Respondent is using the mark PMP in order to unfairly capitalize upon the Complainant’s PMP trade mark and certification services by offering to obtain and provide the Complainant’s certification for third parties who are willing to cheat in examinations to obtain the Complainant’s certification.

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 takes into account the evidence that the Respondent has registered and used the disputed domain name for the purpose of disrupting the business of the Complainant. The Respondent’s website accessed through the disputed domain name is being used to divert Internet users searching for information about the Complainant’s PMP certification to the provision by the Respondent of unauthorized and unlawful services relating to the Complainant’s PMP certification program and which is assisting and enabling candidates for certification to cheat on their exam. The Complainant points out that the Respondent’s activity puts at risk public confidence in the Complainant’s product and reduces the value of its certifications.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud, 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.

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 <buypmp.com> be transferred to the Complainant.

*/Clive Duncan Thorne/*

**Clive Duncan Thorne**

Sole Panelist

Date: February 14, 2025