

ADMINISTRATIVE PANEL DECISION

Insight Global, LLC v. Dam Uppington
Case No. D2025-0332

1. The Parties

Complainant is Insight Global, LLC, United States of America (“U.S.”), represented by Troutman Pepper Locke, U.S.

Respondent is Dam Uppington, U.S.

2. The Domain Name and Registrar

The disputed domain name <topinsightglobal.com> is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2025. On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 28, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on March 18, 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

Complainant is an international staffing services company founded in 2001, with more than seventy office locations across the U.S., Canada, United Kingdom, India, and the Philippines. Complainant owns valid and subsisting registrations for the INSIGHT GLOBAL trademark in numerous countries, including the trademark for INSIGHT GLOBAL A STAFFING SERVICES COMPANY (Reg. No. 3,360,697) and INSIGHT GLOBAL (design mark) (Reg. No. 4,997,327) registered on June 2, 2009 and July 12, 2016 respectively, with earliest priority dating back to October 2008.

Respondent registered the disputed domain name on July 30, 2024. At the time this Complaint was filed, the disputed domain name resolved to website content that (i) advertises recruitment and consultancy services, (ii) misappropriates copywritten images from third-party staffing company websites, and (iii) advertises, “Welcome to TopInsight Consultants: Your Partner in Recruitment and Consulting Excellence [...] We match highly skilled professionals with the right opportunities [...] Contact us today to see how we can help you achieve your goals.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant asserts ownership of the INSIGHT GLOBAL trademark and has adduced evidence of trademark registrations in the U.S., with earliest priority dating back to October 2008. The disputed domain name is confusingly similar to Complainant’s INSIGHT GLOBAL trademark, according to Complainant, because it incorporates Complainant’s trademark entirely and it merely adds the descriptive designator “top”, which does not distinguish the disputed domain name.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: Complainant’s longstanding use and registration of the INSIGHT GLOBAL trademark; the lack of any license or authorization between Complainant and Respondent; the lack of any trademark applications or registrations owned by Respondent corresponding to the disputed domain name; the lack of any evidence that Respondent is known as “Insight Global” or “Top Insight Global”; and Respondent’s use of the disputed domain name in connection with a non-functional, ostensibly fake, AI-generated website that misappropriates third party copywritten images and offers putative staffing and consulting services in direct competition with Complainant.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: Respondent’s intentional registration of the disputed domain name as a near-exact reproduction of Complainant’s inherently distinctive INSIGHT GLOBAL trademark; the well-known nature of Complainant’s INSIGHT GLOBAL trademark in its industry; Respondent’s use of false registration data, which Complainant could not verify or validate; and Respondent’s use of the disputed domain name in connection with a non-functional, ostensibly fake, AI-generated website that misappropriates third party copywritten images and offers putative staffing and consulting services in direct competition with Complainant.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii. 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.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, e.g. where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. See [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#) ("[WIPO Overview 3.0](#)"), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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 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.

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 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 the word "top", 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

This is especially the case where a disputed domain name is so obviously connected with a complainant and its products, the very use by a registrant with no connection to a complainant suggests opportunistic bad faith. The Panel concludes from the record that Respondent had Complainant's INSIGHT GLOBAL trademark in mind when registering the disputed domain name, and that Respondent most likely registered domain name in order exploit and profit from Complainant's trademark rights. Indeed, a respondent who knowingly adopted a third party's longstanding registered mark as a domain name cannot claim the benefit of Paragraph 4(c)(i) of the Policy to establish rights to the domain name based on its mere use of the domain name to offer goods or services prior to the notice of a dispute. *Scania CV AB v. Leif Westlye*, WIPO Case No. [D2000-0169](#); see also *Drexel University v. David Brouda*, WIPO Case No. [D2001-0067](#) (rights or legitimate interests cannot be created where the user of the domain name at issue would not choose such a name unless he was seeking to create an impression of association with the complainant).

Moreover, panels have held that the use of a domain name for illegitimate activity, here, purported fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Circumstantial evidence can support a credible claim made by Complainant asserting Respondent is engaged in such illegitimate or illegal activity, including that Respondent has provided purportedly false or incomplete registration data to avoid being contactable, or that Respondent's website has been suspended by its hosting provider. [WIPO Overview 3.0](#), section 2.13. In its Complainant, Complainant has submitted persuasive evidence that: Respondent has configured the disputed domain name with non-functional, ostensibly AI-generated website content that purports to offer staffing services in direct competition with Complainant's INSIGHT GLOBAL trademark and misappropriates third-party copywritten images, all likely in furtherance of fraud or illegal activity.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent's documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. by using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Where a complainant's trademark is widely known, including in a particular industry, or highly specific, and respondents cannot credibly claim to have been unaware of complainant, panels have inferred that respondents knew, or should have known, that their registration would be identical or confusingly similar to a complainant's trademark. [WIPO Overview 3.0](#), section 3.2.2.

In this Panel's view, when the disputed domain name was registered on July 30, 2024, Respondent more likely than not knew of Complainant's pre-existing rights in Complainant's INSIGHT GLOBAL trademark, noting in particular that Respondent's website content ostensibly offers staffing and consulting services in direct competition with Complainant.

Panels have held that the use of a domain name for illegal activity, here, purported fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Wrongful use of others' trademarks to extort information from unsuspecting and unwary website visitors, by using the disputed domain name for phishing activity or fraud, is considered abusive registration of the disputed domain name under the Policy. See *CareerBuilder, LLC v. Stephen Baker*, WIPO Case No. [D2005-0251](#); *The Boots Company, PLC v. The programmer adviser*, WIPO Case No. [D2009-1383](#). See e.g. *WSI Holdings Ltd. v. WSI House*, WIPO Case No. [D2004-1089](#) ("Respondent appears to be engaged in "phishing" for mistaken potential employees of the Complainant [...]. Respondent (1) has adopted a confusingly similar domain name, (2) it has used the trade dress of the Complainant's website, and (3) it has sought to attract users to its site by creating confusion between its site and the Complainant's. It has clearly engaged in activity which fulfils the bad faith requirements of Paragraph 4(b)(iv) of the Policy.") As discussed above, Complainant has proffered persuasive evidence that: Respondent has configured the disputed domain name with a non-functional, ostensibly fake, AI-generated website that misappropriates third party copywritten images and offers putative staffing and consulting services in direct competition with Complainant, likely in furtherance of illegal activity or fraud. The Panel notes that the possible use of AI-generated content itself is not dispositive, but rather the Respondent is responsible for the display of the resulting content regardless of how such content was created.

Further to that point, Complainant has also submitted persuasive evidence that Respondent has submitted false or incomplete registration data, corresponding to an individual and a street address that do not exist. Prior panel determinations agree, the use of false or incomplete registration data in connection with a disputed domain name further supports a finding of bad faith registration and use. See e.g. *Action Instruments, Inc. v. Technology Associates*, WIPO Case No. [D2003-0024](#); *Royal Bank of Scotland Group v. Stealth Commerce*, WIPO Case No. [D2002-0155](#); *Home Director, Inc. v. HomeDirector*, WIPO Case No. [D2000-0111](#).

The Panel finds the third element of the Policy has been established.

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 <topinsightglobal.com> be transferred to the Complainant.

/Phillip V. Marano/
Phillip V. Marano
Sole Panelist
Date: April 1, 2025