

ADMINISTRATIVE PANEL DECISION

IT Web Capital Ltd. v. Andriy Nychyporuk
Case No. D2025-0508

1. The Parties

The Complainant is IT Web Capital Ltd., United Kingdom, represented internally.

The Respondent is Andriy Nychyporuk, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <sitegroundweb.com> is registered with Internet Domain Service BS Corp (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2025, 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 February 11, 2025, 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 February 15, 2025.

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 February 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 10, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on March 14, 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 company active in the web hosting industry and is established in the United Kingdom.

The Complainant provides evidence that it owns a portfolio of registered trademarks for SITEGROUND, including, but not limited to, the following trademarks: Unites States of America Trademark Registration Number 4752024 for the mark SITEGROUND, registered on June 9, 2015; and European Union Trademark Registration Number 014583769 for the mark SITEGROUND, registered on January 9, 2016.

The disputed domain name was registered on March 20, 2024, which, the Panel notes, is a date long after the registration date of the Complainant's trademarks. The Complainant provides evidence that the disputed domain name directed to an active website, which seems to have used the Complainant's marks to offer services to Internet users, thereby impersonating the Complainant, see statements such as: "Greetings from the Siteground Wp Hosting team", "Unlock the Power of Your Website with Siteground WP Hosting", "Why Choose Siteground WP Hosting?". This website has, according to the Complainant, been suspended by the Registrar, and the Panel notes that the disputed domain name currently directs to an inactive website. The Complainant also states that the disputed domain name used to direct to a phishing website, but the Panel notes that the Complainant does not provide concrete or direct evidence thereof, except for mere references to such use in a cease-and-desist letter to the Registrar, and the Panel shall therefore disregard these claims hereafter.

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 Complainant's trademarks as it incorporates the Complainant's SITEGROUND trademark in its entirety, with the only differing element being the addition of the descriptive term "web" to the disputed domain name, commonly associated with Internet-related services. The Complainant also argues that the Respondent is using SITEGROUND on the website to which the disputed domain name directed with the intent to label certain services and to indicate their origin. The Complainant stresses that this is no noncommercial or fair use of the trademarked sign. The Complainant illustrates these claims with the use by the Respondent of expressions on the website under the disputed domain name, such as "Greetings from the Siteground Wp Hosting team", "Unlock the Power of Your Website with Siteground WP Hosting", "Why Choose Siteground WP Hosting?" etc. Furthermore, the Complainant argues that the website under the disputed domain name used to redirect to another phishing website where the visiting user used to be prompted to enter their credentials for the Complainant's real website, but which was later taken down by the Registrar. The Complainant essentially argues that these circumstances do not confer any rights or legitimate interest in the disputed domain name on the Respondent and means that the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue

Since the Respondent's mailing physical address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes the post service was not able to deliver the Written Notice to the address which the Respondent had provided in Ukraine due to "Recipient absent". However, the Notification of Complaint was delivered to the Respondent's email address provided by the Registrar without receiving any delivery failure response. The Respondent has not opposed to the continuation of the proceedings.

The Complainant has specified in the Complaint that any challenge made by the Respondent to any decision to transfer the Domain Name shall be referred to the jurisdiction of the courts of "the location of the principal office of the concerned registrar" (Bahamas). Moreover, as described below, the Panel believes the Respondent has registered the Domain Name in bad faith to target the Complainant and mislead consumers.

6.2 Substantive Issues

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 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, "web", 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.

Based on the facts and evidence provided, the Panel notes that the Respondent connected the disputed domain name to an imposter website, which seemed to impersonate the Complainant for commercial gain, see the content on such website (before it was taken down) such as "Greetings from the Siteground Wp Hosting team", "Unlock the Power of Your Website with Siteground WP Hosting", etc. Panels have held that the use of a domain name for illegitimate activity, here, claimed 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 has registered the disputed domain name on March 20, 2024, which is many years after the registration date of the Complainant's trademarks for SITEGROUND, and that the Respondent could not have been reasonably unaware of them. The Panel also notes that even a cursory Internet search at the time of registration of the disputed domain name would have made it clear to the Respondent that the Complainant owned prior rights in its trademarks for SITEGROUND. In the Panel's view, these elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

Further, 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.

The Panel notes that the disputed domain name previously directed to an active website, which seems to have used the Complainant's marks to offer services to Internet users, thereby impersonating the Complainant, see statements such as: "Greetings from the Siteground Wp Hosting team", "Unlock the Power of Your Website with Siteground WP Hosting", "Why Choose Siteground WP Hosting?". The Panel concludes that such use constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's marks as to the source, affiliation, or endorsement of the disputed domain name. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy.

Additionally, panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, the Panel notes that the disputed domain name currently directs to an inactive webpage. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <sitegroundweb.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: March 26, 2025