

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. Samir Shah, Bona Inc
Case No. D2025-0571

1. The Parties

Complainant is ZipRecruiter, Inc., United States of America (“U.S.” or “United States”), represented by SafeNames Ltd., United Kingdom.

Respondent is Samir Shah, Bona Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <site-ziprecruiter.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2025. Also on February 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. That same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on February 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 24, 2025.

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 Respondent of the Complaint, and the proceedings commenced on February 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. Respondent sent an email communication to the Center on March 22, 2025.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on March 31, 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 online recruitment company providing services for both individuals and commercial entities. It attracts more than seven million active job seekers and 10,000 new companies each month and has over 40 million job alert email subscribers. Since its inception in 2010, Complainant has served more than one million employers and 120 million job seekers.

Complainant was ranked 350 in Deloitte's 2019 Technology Fast 500. It was also named on Fast Company's 2019 list of The World's Most Innovative Companies within the Enterprise's sector. It has received a number of G2 Awards, and it is frequently featured in lists collating the best online job recruitment services.

Complainant owns numerous trademark registrations around the world for the ZIPRECRUITER Mark (or the "Mark") including U.S. Registration No. 3,934,310 (registered March 22, 2011) and European Union Trade Mark No. 015070873 (registered June 13, 2016).

Complainant's online recruitment platform allows employers to post jobs and manage applications, enabling job seekers to search for and receive alerts regarding the latest job posts. Complainant primarily operates from the website "www.ziprecruiter.com" (which received an average of more than 33 million visits in January 2025) but it also uses the Mark in connection with many country code Top-Level-Domains ("ccTLDs"), whereby Complainant tailors its offerings to users across a number of countries. Also, Complainant is active on social media platforms including Facebook, X, Instagram, YouTube, and LinkedIn.

Respondent registered the Domain Name on December 27, 2024. Previously, the Domain Name resolved to a website with pay-per-click ("PPC") links relating to Complainant's business such as "Employee Recruitment Platforms", "Find Jobs", and "Apply for Available Jobs". Currently, the Domain Name does not resolve to a website.

On January 10, 2025, Complainant sent a cease-and-desist letter to the registrant of the Domain Name, which Respondent did not respond to.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is confusingly similar to the ZIPRECRUITER Mark because it incorporates the Mark in its entirety, preceded by the term "site" and a hyphen ("-"). It is accepted that where the relevant trademark is recognizable within a disputed domain name, adding other terms (whether descriptive, geographical, meaningless or otherwise) does not negate a finding of bad faith under the first element. Moreover, adding the term "site" contributes to the likelihood of confusion between the Mark and the Domain Name. Including the term "site" alludes to Complainant's online platform that enables Internet users to search for new employment and hiring opportunities and reinforces an association with Complainant's services. With respect to the generic Top-Level Domain ".com" featured in the Domain Name, Complainant requests that the Panel disregard this as it is a standard registration requirement.

Respondent does not have any trademark rights to the term ZIPRECRUITER, 'SITE-ZIPRECRUITER', nor any similar term, and there is no evidence that Respondent retains unregistered trademark rights to those terms. Also, Complainant has not licensed Respondent to use domain names featuring the ZIPRECRUITER Mark. Respondent has not used, nor prepared to use, the Domain Name in connection with a bona fide offering of goods or services. It previously used the Domain Name to host a series of PPC advertisement links that redirected users to third-party websites offering services competitive to Complainant.

Respondent is not commonly known by ZIPRECRUITER, nor by "site-ziprecruiter", or anything similar and Respondent is not genuinely offering any goods or services by such terms. Therefore, there is no plausible reason for the registration and use of the Domain Name other than to keep it from Complainant and to take advantage of the goodwill and reputation attached to the Mark. Similarly, Respondent's prior use of the Domain Name does not constitute a legitimate noncommercial or fair use of it but, rather, to derive an advantage from user confusion. Whilst the Domain Name does not currently resolve to an active page, this does not represent any bona fide offering, nor does it constitute a legitimate noncommercial or fair use of the Domain Name because the confusingly similar Domain Name represents an implied ongoing threat to Complainant due to its inherently misleading nature, which renders any fair use implausible under the circumstances.

Complainant's first registration for the Mark predates the creation date of the Domain Name by over 13 years. In addition, substantial goodwill has accrued since Complainant's establishment in 2010 – the ZIPRECRUITER Mark and site have become highly acclaimed for providing Internet users with online tools for job hunting and recruitment endeavors. The Mark was and continues to be, clearly identifiable on publicly accessible trademark databases, for example, all top results from a simple Google search of the terms ZIPRECRUITER and "site-ziprecruiter" clearly pertain to Complainant's offerings. Thus, the simplest degree of due diligence would have otherwise made Respondent aware of Complainant's rights in the Mark.

Selecting a Domain Name that is so obviously connected to a complainant's trademark strongly suggests opportunistic bad faith, particularly where it is used by someone with no affiliation with the complainant.

The Domain Name was previously used for commercial purposes, namely, to obtain click-through revenue associated with PPC hyperlinks – a clear attempt to mislead Internet users. Here, the PPC links redirected Internet users to various third-party websites in direct competition with Complainant's offerings. Respondent utilized a confusingly similar Domain Name to attract people to its site and made a commercial gain for each redirection. Currently, the Domain Name does not resolve to an active website, but it has been a long-established principle that the non-use of a domain name does not preclude a finding of bad faith under the doctrine of passive under the circumstances here where Complainant has proved its mark is distinctive.

Respondent's activation of mail exchange (MX) records for the Domain Name suggests Respondent could engage in phishing activity through email distribution, given the evidently implied affiliation between the Domain Name and Complainant's ZIPRECRUITER Mark.

B. Respondent

Respondent did not reply to Complainant's contentions. Before defaulting, he did email the Center stating simply: "What is the solution now.. because i want my email account to send out messages ..."

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.

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 Panel finds the Mark is recognizable within the Domain Name. Accordingly, the 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, “site-”, may bear on assessment of the second and third elements, the Panel finds the addition of such a term and the hyphen does not prevent a finding of confusing similarity between the 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

In this regard the Panel notes: (1) there is no evidence Respondent has any rights to the ZIPRECRUITER Mark or the term “site-ziprecruiter”, nor any similar terms; (2) there is no evidence Respondent retains unregistered rights to those terms; (3) Complainant has not licensed Respondent to use any domain names featuring the ZIPRECRUITER Mark; (4) Respondent has not used or prepared to use the Domain Name in connection with a bona fide offering of goods or services; and (5) Respondent is not commonly known by the Mark or “site-ziprecruiter”. Respondent’s prior use of the Domain Name to host a series of PPC advertisement links that redirected users to third-party websites offering services competitive to Complainant’s services is evidence that Respondent has not used the Domain Name for a bona fide purpose. There is no plausible reason for the registration and use of the Domain Name other than taking advantage of the goodwill and reputation attached to the Mark. Similarly, Respondent’s prior use of the Domain Name does not constitute a legitimate noncommercial or fair use of the Domain Name. While the Domain Name does not currently resolve to an active page, use of a confusingly similar Domain Name represents an implied ongoing threat to Complainant due to its inherently misleading nature, which renders any bona fide or fair use implausible under the circumstances.

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.

Here, Panel notes that Respondent chose a confusingly similar Domain Name including a Mark that has been used by Complainant for over 10 years before Respondent registered the Domain Name. It is undisputed that Complainant and the Mark are well-known as used for online recruitment services. Indeed, Respondent's prior use of the Domain Name in conjunction with competitive services and the benefits derived therefrom indicates that Respondent likely knew of Complainant and the Mark. Adding the term "site" to the Mark alludes to Complainant's online platform that enables the public to search for new employment and hiring opportunities and reinforces an association with Complainant's services. Thus, it is more likely than not that Respondent knew of the Mark when registering the Domain Name.

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.

For example, Complainant sent a cease-and-desist letter to Respondent on January 10, 2025, putting Respondent on notice of Complainant's trademarks and rights and with a view to resolving the matter amicably, but Respondent did not respond to it. Moreover, as indicated above, the Domain Name was previously used for commercial purposes, namely, to obtain click-through revenue associated with PPC hyperlinks and those linked websites were selling service in direct competition with Complainant's offerings.

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 and reputation of Complainant's Mark, and the composition of the Domain Name, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

Noting the composition of the Domain Name and Respondent's lack of reply to Complainant's claims of implied affiliation and risk of phishing activity, Respondent's activation of MX records for the Domain Name whereby Respondent could engage in phishing activity through email distribution, further supports a finding of bad faith in this case.

The Panel finds that 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 Domain Name <site-ziprecruiter.com> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: April 14, 2025