

ADMINISTRATIVE PANEL DECISION

Fastly, Inc. v. raja durai, Rajadurai

Case No. D2025-0711

1. The Parties

The Complainant is Fastly, Inc., United States of America (“United States”), represented by Markmonitor, United States.

The Respondent is raja durai, Rajadurai, India.

2. The Domain Name and Registrar

The disputed domain name <fastlycdn.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 20, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 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 (Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 25, 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 amended Complaint on March 3, 2025.

The Center verified that the Complaint together with 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 March 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent sent an email communication to the Center on March 6, 2025.

The Center appointed Gareth Dickson as the sole panelist in this matter on April 1, 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 Fastly, Inc., a corporation established in 2011, and headquartered in San Francisco, California, United States. It provides services in the areas of content delivery networks (“CDN”), cloud computing, cloud security, image optimization, and load balancing.

The Complaint is based on the Complainant’s rights in its trade mark FASTLY (the “Mark”), which it began using in 2012 and has registered in multiple jurisdictions around the world including:

- United States Trade Mark Registration No. 4668424, registered on January 6, 2015, in Class 9;
- European Union Trade Mark Registration No. 015594013, registered on November 3, 2016, in Classes 35 and 42;
- United Kingdom Trade Mark Registration No. UK00915594013, registered on November 3, 2016, in Classes 35 and 42.

The Complainant operates the domain name <fastly.com> and uses it as its primary website. It also holds other domain names that incorporate the FASTLY mark, including <fastly.us>.

The disputed domain name <fastlycdn.com> was registered on October 24, 2024, using a privacy service. According to the un rebutted evidence it resolves to an error page displaying “Error 404 Object not found”. The Complainant has also provided evidence that the disputed domain name is listed for sale on the GoDaddy domain marketplace for EUR 9,529.25, with a stated minimum offer amount of EUR 7,500.00.

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 Mark. The Complainant submits that the domain name incorporates the entirety of the Mark and adds the term “cdn”, which the Complainant states is a commonly used abbreviation for “content delivery network”, a service the Complainant offers and which its trade mark registrations cover. The Complainant further asserts that the addition of the term “cdn” does not prevent a finding of confusing similarity.
- (ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that it has not licensed or otherwise authorized the Respondent to use the Mark. It further submits that there is no evidence the Respondent is commonly known by the name “fastly” or “fastly cdn”, and no evidence of any bona fide offering of goods or services, or legitimate noncommercial or fair use of the disputed domain name.
- (iii) The disputed domain name was registered and is being used in bad faith. The Complainant alleges that the Respondent registered the disputed domain name after the Mark was registered and in use. It asserts that the disputed domain name was registered with knowledge of the Mark, based on the inclusion of a descriptive term closely related to the Complainant’s services. The Complainant further submits that the disputed domain name is being passively held and offered for sale at an auction which it contends constitutes use in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, in a communication to the Center on March 6, 2025, the Respondent stated: "Hello, The domain fastlycdn.com is not publicly used anywhere, nothing was spread anything related to Fastly it was bought and kept as it is, in fact it does not have proper DNS records since it was bought. If you want I can transfer the domain name to you."

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 trade mark 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 "cdn", may bear on assessment of the second and third elements, the Panel finds the addition of such term here 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.

In reaching this finding, the Panel notes there is no evidence on the available record that the Respondent has been commonly known by the disputed domain name, nor any evidence of use or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. There is also no indication of legitimate noncommercial or fair use, given that the combination of the Mark and the term "cdn" in the disputed domain name has no apparent rationale other than as a reference to the

Complainant. The Panel further notes that the disputed domain name is offered for sale at a substantial price which may, and in circumstances where the disputed domain name appears to have been selected for its incorporation of the Mark does, undermine any possible claim to rights or legitimate interests under the Policy.

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.

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 finds the disputed domain name was registered, more likely than not, with knowledge of the Mark and services, given the inclusion of the term "cdn", which directly references a key aspect of the Complainant's business. The timing of the registration, being several years after the Complainant's registration and use of the FASTLY trade mark, the composition of the disputed domain name and the lack of bona fide use collectively support a finding of bad faith registration and use.

The Panel also notes that the Respondent appears to have offered the disputed domain name for sale for an amount possibly exceeding out-of-pocket expenses. This falls under the circumstance described in paragraph 4(b)(i) of the Policy, namely that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant or a competitor of the Complainant for valuable consideration in excess of documented out-of-pocket costs directly related to the disputed domain name.

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 <fastlycdn.com> be transferred to the Complainant.

/Gareth Dickson/

Gareth Dickson

Sole Panelist

Date: April 15, 2025