

ADMINISTRATIVE PANEL DECISION

Consumer Reports, Inc. v. Isaac Cheung, noveland
Case No. D2025-0893

1. The Parties

The Complainant is Consumer Reports, Inc., United States of America (“United States”), represented by Cozen O’Connor, United States.

The Respondent is Isaac Cheung, noveland, China.

2. The Domain Name and Registrar

The disputed domain name <consumertestedsreports.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 4, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (PrivacyGuardian.org LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 17, 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 19, 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 the Respondent of the Complaint, and the proceedings commenced on March 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2025. The Response was filed with the Center on April 5, 2025.

The Center appointed Jane Seager as the sole panelist in this matter on April 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

Formed as an independent, non-profit organization in 1936, the Complainant is a product testing and advocacy organization that publishes a print and digital family of Consumer Reports publications. The Complainant offers unbiased product testing and ratings, research, journalism, public education, and advocacy.

The Complainant is the owner of a number of trademarks for CONSUMER REPORTS, including:

- United States Trademark Registration No. 672849, CONSUMER REPORTS, registered on January 20, 1959;
- United States Trademark Registration No. 5064394, CONSUMER REPORTS, registered on October 18, 2016; and
- United States Trademark Registration No. 5751644, CONSUMER REPORTS, registered on May 14, 2019.

The disputed domain name was registered on April 3, 2024. At the time of submission of the Complaint, the disputed domain name resolved to a website that purported to offer subscriptions for product reviews (the "Respondent's website"). The Respondent's website included a number of sample reviews, which included links to Amazon to purchase the products listed in the reviews appearing on the Respondent's website. At the time of this decision, the disputed domain name redirects to a website at "www.smartshoppingreviews.com", which also purports to offer subscriptions for product reviews.

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.

The Complainant asserts rights in the CONSUMER REPORTS trademark and submits that the disputed domain name is confusingly similar to its CONSUMER REPORTS trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant argues that the Respondent is making unauthorized use of the CONSUMER REPORTS trademark in order to attract Internet users to its website with a view to obtaining sales commissions from Amazon affiliate links appearing on the Respondent's website. The Complainant asserts that the Respondent is not commonly known by the disputed domain name. The Complainant further argues that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent deliberately registered the disputed domain name knowing that it would be perceived as referring to the Complainant. The Complainant submits that by using the disputed domain name the Respondent has attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the goods and services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent submits that the disputed domain name is not confusingly similar to the Complainant's trademark. The Respondent argues that the disputed domain name is composed of three terms, "consumer", "tested", and "reports", which collectively describe a blog that reviews products, and which differs substantially from the Complainant's trademark which is limited to two terms.

The Respondent asserts rights and legitimate interests in the disputed domain name. The Respondent states that it has recently started redirecting traffic from the disputed domain name to a new domain name (<smartshoppingreviews.com>) as part of a rebranding effort, and submits that retaining the disputed domain name is important to preserve its search engine optimization ("SEO") value. The Respondent states that it uses the disputed domain name in good faith as a descriptive domain name for a blog that provides independent product reviews. The Respondent further states that its website generates "fewer than 100 link clicks per month", and argues that such a low level of activity indicates that there is no intent to exploit or harm the Complainant's trademark rights.

The Respondent denies having registered or used the disputed domain name in bad faith. The Respondent claims to have registered the disputed domain name in good faith to operate a blog focused on product reviews, without any intent to target or impersonate the Complainant's trademark or services. The Respondent submits that retaining ownership of the disputed domain name solely for SEO purposes while redirecting traffic to a new domain name does not constitute bad faith use under the Policy. The Respondent submits that its blog does not compete with the Complainant's nonprofit organization, as it offers informal reviews rather than rigorous product testing and advocacy services, further reducing any likelihood of confusion.

The Respondent requests denial of the Complaint.

6. Discussion and Findings

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith.

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 the trademark CONSUMER REPORTS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name comprises the Complainant's CONSUMER REPORTS trademark, altered only by the addition of the term "tested" which is interspersed between the two words making up the Complainant's trademark. The Panel finds that the addition of the term "tested" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's CONSUMER REPORTS trademark, which remains recognizable in the disputed domain name. [WIPO Overview 3.0](#), section 1.8. See also *Consumer Reports, Inc. v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf/ eddy to*, WIPO Case No. [D2021-2851](#) (<consumertrustedreports.org>).

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.

As noted above, the disputed domain name previously resolved to a website that purported to offer subscriptions for product reviews. The Respondent's website included Amazon affiliate links. The Panel notes that in many instances the product reviews offered by the Respondent were offered under the name "Consumer Reports" rather than "Consumer Tested Reports". As such, the Respondent's business model appears to mimic that of the Complainant, which is likely to mislead Internet users into believing that there is an association between the Respondent's website and the Complainant.

The Panel infers that rather than making descriptive use of the disputed domain name to provide product reviews, the Respondent's prior use of the disputed domain name was likely intended to cause confusion amongst Internet users seeking the Complainant, and that the Respondent likely derived revenue from the presence of Amazon affiliate links on the Respondent's website. Notably absent from the Response were any sample reviews provided by the Respondent to support its claims of descriptive use of the disputed domain name. The Panel finds that the Respondent has engaged in behaviour intended to create a misleading impression of association with the Complainant, for commercial gain, which does not support a finding that the disputed domain name has been used in connection with a *bona fide* offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

The Respondent has been identified as "Isaac Cheung, noveland" whose name does not bear any resemblance to the disputed domain name. There is no other evidence to support a claim of the Respondent being commonly known by the disputed domain name under paragraph 4(c)(ii) of the Policy.

Nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name further to paragraph 4(c)(iii) of the Policy – the Respondent's website is clearly intended to be commercial in nature.

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. Notwithstanding the Respondent's assertions as set out in the Response, the Panel finds that the Respondent has not rebutted the Complainant's *prima facie* showing and has not produced relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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.

The Complainant's trademark registrations for CONSUMER REPORTS substantially predate the registration of the disputed domain name, with one trademark registration dating from 1959. The Respondent registered the disputed domain name on April 3, 2024, long after the Complainant had acquired substantial recognition and goodwill. As noted above, the Respondent's business model closely resembles that of the Complainant, which supports the inference that the Respondent knew of the Complainant and its rights in the CONSUMER REPORTS trademark when registering the disputed domain name.

The Respondent's use of the disputed domain name to resolve to a website offering subscriptions for product reviews, similar to services offered by the Complainant, indicates an intent on the part of the Respondent to create confusion with the Complainant's trademark. The inclusion of Amazon affiliate links on the Respondent's website likely resulted in the Respondent deriving commercial gain, ultimately resulting from Internet traffic seeking the Complainant who mistakenly arrived at the Respondent's website. The Panel accepts the Complainant's assertion that by using the disputed domain name in such a manner, the Respondent has attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the goods and services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel notes that the disputed domain name currently redirects to "www.smartshoppingreviews.com" and finds that the change in pointing during course of the present proceedings signals an attempt on the part of the Respondent to evade responsibility under the UDRP, further evidencing the Respondent's bad faith.

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 <consumertestedsreports.com> be transferred to the Complainant.

/Jane Seager/
Jane Seager
Sole Panelist
Date: May 5, 2025