

ADMINISTRATIVE PANEL DECISION

Honeygain, UAB v. taurus app
Case No. D2025-0927

1. The Parties

The Complainant is Honeygain, UAB, Lithuania, represented by Honeygain, UAB, Lithuania.

The Respondent is taurus app, India.

2. The Domain Name and Registrar

The disputed domain name <honeygainind.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2025. On March 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 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 Organization Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 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 March 10, 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 March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 9, 2025.

The Center appointed Federica Togo as the sole panelist in this matter on April 16, 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 the registered owner of several trademarks worldwide consisting and/or containing “Honeygain”, such as the European Union trademark registration No. 018912207 HONEYGAIN (word), registered on January 6, 2024, for goods and services in classes 9, 38, and 42.

It also uses the domain name <honeygain.com> for a platform that helps users earn passive income by securely sharing their unused Internet bandwidth.

The disputed domain name was registered on November 25, 2024. It currently resolves to a website allegedly offering services (i.e., online money games) in the Complainant’s area of activity

The Complainant also sent a cease-and-desist letter to the Respondent on February 13, 2025. The Respondent did not reply to it.

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 with its trademarks and also with its domain name (only one letter “d” is additional), since the dominant and distinctive verbal element “honeygain” is identical.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent has never been licensed or otherwise authorized to use the Complainant’s trademarks HONEYGAIN; it has not been commonly known by the disputed domain name. This is shown by the fact that the Respondent is hiding its identity behind a privacy service; the Respondent is deliberately pretending to be a brand that is already well known in society and trusted by a large number of consumers. The Respondent is unlawfully using the disputed domain name in bad faith for commercial purposes, for commercial gain, to the confusion of consumers and thereby to the detriment of the contested trademark. In addition, the Complainant contends that on the website to which the disputed domain name resolves the Respondent offers the same services as the Complainant has protected under its registered trademarks.

The Complainant contend that the Respondent copied not only the word mark but also the figurative logo of the bee; confusingly similar word font, bee location, size and color. The Complainant failed to provide relevant evidence of this assertion.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, it was registered to take advantage of the business model created by the Complainant for its own unlawful commercial purposes, since it contains a copy of a scheme for users to download an application and generate passive income by sharing user’s unused Internet bandwidth.

In addition, the disputed domain name was registered to deliberately mislead consumers into believing that they are dealing with the Complainant, which already has a reputation as a reliable partner. The Respondent declares on its website that: “Honeygain is a legitimate app that has been in operation since 2019. It is generally regarded as secure, and the company behind it, Honeygain, Ltd., ensures that users’ data is encrypted and anonymous.” The Respondent’s actions create a likelihood of confusion between the Complainant’s earlier registered trademark and domain name. The Respondent free rides on the reputation of the Complainant’s well-known HONEYGAIN trademark. Further, it misleads consumers, by providing an inaccurate registration address. The address of the declared Respondent’s registered office is the address

of a honey museum “www.honeymuseum.in”. The Complainant failed to provide relevant evidence of the above assertions.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the 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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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.

In addition, it is the view of this Panel that the addition of the letter “d” in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark since the mark is clearly recognizable (see [WIPO Overview 3.0](#) at 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.

Moreover, the Panel notes that the disputed domain name contains the Complainant's registered trademark HONEYGAIN, and that more likely than not, this trademark is not a trademark that one would legitimately adopt as a domain name unless to suggest an affiliation with the Complainant. Furthermore, the addition of the letter "d" in the disputed domain name is likely to go unnoticed by Internet users, so that this Panel finds it most likely that the composition of the disputed domain name signals an intention on the part of the Respondent to confuse users seeking or expecting the Complainant. This is corroborated by the content of the website to which the disputed domain name currently resolves, allegedly offering services (i.e. online money games) in the Complainant's area of activity.

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 disputed domain name includes the Complainant's trademark in its entirety. Therefore, this Panel has no doubt that the Respondent positively knew the Complainant's trademark when registering the disputed domain name. This is corroborated by the content of the website to which the disputed domain name currently resolves, allegedly offering services (i.e. online money games) in the Complainant's area of activity.

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.

On this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name (i.e., the Complainant's trademark in its entirety - only with the addition of the letter "d" - and being confusingly similar to not only the Complainant's trademark but also its official domain name);
- (ii) the content of the website to which the disputed domain name directs (i.e., allegedly offering services in the Complainant's area of activity);
- (iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name
- (iv) the Respondent's use of a privacy service to conceal its identity;
- (v) the Respondent's failure to reply to the cease-and-desist letter and to submit a Response.

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 <honeygaind.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: April 30, 2025