

## **ADMINISTRATIVE PANEL DECISION**

The Mathematical Association of America v. Mavis Du  
Case No. D2025-1045

### **1. The Parties**

The Complainant is The Mathematical Association of America, United States of America, represented by Potomac Law Group, PLLC, United States of America.

The Respondent is Mavis Du, Singapore.

### **2. The Domain Name and Registrar**

The disputed domain name <maa-us.org> is registered with West263 International Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 17, 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/ West263 International Limited) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 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 18, 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 Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 10, 2025.

The Center appointed Dawn Osborne as the sole panelist in this matter on April 15, 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 corporation organized and existing under the laws of the state of Illinois, United States of America. Since 1915, the Complainant has operated as a professional society devoted to promoting the math sciences area of study throughout the United States of America and the world. The Complainant has over 20,000 members, comprised of professors, educators, university graduate and undergraduate students, mathematicians, computer scientists, statisticians, and various business and industry professionals.

The Complainant is the owner of the trade mark MAA registered as trade mark registration number 5234897 in the United States of America for, inter alia, association services relating to the mathematical sciences since July 4, 2017, with first use recorded as 1975.

The disputed domain name was registered January 17, 2025, and has been pointed to a site featuring the Complainant's mark and the Complainant's logo form as a masthead and material copied from the Complainant's web site to purport to be an official site of the Complainant. A later version of the Respondent's web site still features the Complainant's mark and material copied from the Complainant's web site and does not make it clear there is no association with the Complainant.

#### **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 trade mark containing it in its entirety and merely adding the generic designation "us", a hyphen and the generic Top-Level Domain ("gTLD") ".org" which does not prevent said confusing similarity between the disputed domain name and the Complainant's mark.

The Respondent is not commonly known by the disputed domain name and is not authorised by the Complainant.

The web site connected with the disputed domain name used the Complainant's mark in its logo form as its masthead and material copied from the Complainant's web site to offer purport to offer competing services impersonating the Complainant. A later version of the Respondent's web site still used the Complainant's mark and material copied from the Complainant's site to cause confusion for commercial gain. This is not a legitimate bona fide offering of goods or services or legitimate use. It is registration and use in opportunistic bad faith.

##### **B. Respondent**

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

## **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 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, "us" may bear on assessment of the second and third elements, the Panel finds the addition of such term or the addition of a hyphen 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.

The Respondent is not commonly known by the disputed domain name and is not authorised by the Complainant.

The web site connected with the disputed domain name used the Complainant's mark and its logo including as its masthead and material copied from the Complainant purporting to offer competing services and products impersonating the Complainant which is not a bona fide offering of services.

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.

Panels have held that the use of a domain name for illegal activity here 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 used the Complainant's trade mark and logo including as a masthead and copied material from the Complainant's web site to impersonate the Complainant. The use of the Complainant's logo shows actual knowledge of the Complainant and its business, rights and services/products. The Respondent has intentionally caused confusion on the Internet with the Complainant's trade mark for commercial gain and disrupted the business of the Complainant with competing behaviour.

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.

Panels have held that the use of a domain name for illegal activity impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 <maa-us.org> be transferred to the Complainant.

*/Dawn Osborne/*

**Dawn Osborne**

Sole Panelist

Date: April 22, 2024