

ADMINISTRATIVE PANEL DECISION

NJ Property Records LLC v. MASROOR EHSAN, Plexus Global LLC
Case No. D2025-1075

1. The Parties

The Complainant is NJ Property Records LLC, United States of America (“U.S.”), represented by War IP Law PLLC, U.S.

The Respondent is MASROOR EHSAN, Plexus Global LLC, Bangladesh.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2025. On March 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 (The Owner(s) of www.njparcelrecords.com) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 21, 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 24, 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”).

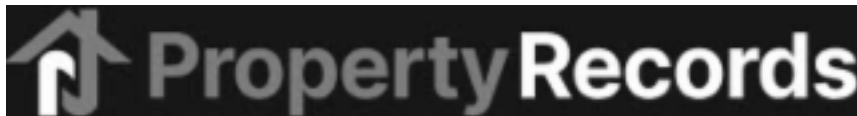
In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 8, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on May 5, 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 provides information about commercial and residential property in the U.S. state of New Jersey from a website at "www.njpropertyrecords.com". Access to the information, or much of the information, is on a paid basis. According to the Complaint, the Complainant began this business in November 2014.

On March 14, 2025, the Complainant filed an application to register a trademark in the U.S., Application No 99084253,



for a range of services in International Class 35 including providing information in the field of real estate and providing real estate listings and real estate information.

The application is still pending and has not proceeded to grant.

It appears from undigested Google Analytics reports submitted with the Complaint that, in the month from February 14 to March 13, 2025, the Complainant's website attracted some 532,000 active users. Just under 300,000 of whom came to the site directly and roughly 175,000 were directed to the site by organic search results. It also appears that in the three months ending on March 13, 2025, the Complainant's website attracted some 1.2 million active users.

The disputed domain name was registered on August 25, 2023.

When the Complaint was filed, it also resolved to a website which provides information about commercial and residential property in New Jersey.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

The Panel notes that the registration agreement is in English as was the website when the Complaint was filed. Pursuant to paragraph 11 of the Rules, therefore, the default language of the proceeding is English and, as the content of the Respondent's website was also in English, the Panel can see no good reason to determine otherwise.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (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.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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's pending trademark application does not qualify as sufficient trademark rights under the Policy. [WIPO Overview 3.0](#) section 1.1.4.

The Complainant must therefore establish it has rights in its trademark at common law as an unregistered trademark. This requires evidence demonstrating acquired distinctiveness. [WIPO Overview 3.0](#) section 1.3.

While the evidence submitted by the Complainant is perfunctory, the Panel is prepared to find from what appears to be the number of active users of the Complainant's website including in particular the proportion who accessed the website directly (which presumably involves the user typing the Complainant's domain name into their browsers) that the Complainant has sufficiently demonstrated acquired distinctiveness for the purposes of the Policy in NJ PROPERTY RECORDS as a source identifier or badge of origin when the Complaint was submitted.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's registered trademark with the word "parcel" substituted for "property".

The Complainant contends that "parcel" is commonly used in New Jersey as a synonym for "property".

Further, the content of a website is disregarded when considering the comparison of the disputed domain name to the trademark since, as noted above, this is an aural and visual comparison. In cases where it may be considered doubtful, however, reference to the Respondent's website may be permissible to ascertain if it appears that the Respondent is targeting the Complainant's trademark through the disputed domain name. [WIPO Overview 3.0](#) section 1.15.

Such a comparison is difficult in the present case as neither website is accessible at the time this decision is being prepared and only sections or extracts of the websites have been included in the Complaint. Also, while the Complainant says the Respondent's website includes a logo closely resembling the Complainant's, the materials submitted in the Complaint do not include a sufficiently clear depiction of the Respondent's logo to form a view.

However, given that both websites are directed to providing real estate information about properties in New Jersey and there are considerable similarities in layout and content of the websites including, according to the Complainant, the use of proprietary information available only through the Complainant's website, the Panel infers that the disputed domain name is and has been used to target the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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 registered the disputed domain name some eight years after the Complainant began using the trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

While the Respondent's website appeared to be providing real estate information services about New Jersey when the Complaint was filed, the services must be provided in good faith to qualify as rights or legitimate interests under the Policy.

The requirement of good faith would not be satisfied where the Respondent is effectively passing off on the Complainant's trademark. The descriptive nature of the Complainant's trademark and, arguably, the disputed domain name (absent the gTLD) complicates that analysis. Against that, however, it appears that the Complainant has been using its trademark sufficiently extensively to have acquired secondary meaning.

In addition and importantly, it appears that the Respondent is targeting the Complainant. For example, when the Complaint was filed, the Respondent's GitHub repository included a repository containing public and proprietary data scraped and other code from the paid access areas of the Complainant's website. This kind of unfair competition precludes a finding of good faith.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

First, as already noted, the disputed domain name was registered some eight years or so after the Complainant began using its trademark. By that time, the Complainant's trademark had generated significant use and appears to have become well known among the primary target audience – the very audience the Respondent's website also seeks to address.

Secondly, the Respondent's website apparently includes proprietary data which can be sourced from the Complainant's website only. Further, the formatting and layout of the Respondent's website is the same or very similar to the corresponding elements of the Complainant's website. Further still, the Complainant provides some examples of code in the back end of the Complainant's website which have been replicated in the Respondent's website. Even though the code is included, its functionality has not been implemented in the Respondent's website as, according to the Complainant, other "proprietary effort" has not been copied.

Given these matters, it appears clear that the Respondent was well aware of the Complainant and its trademark (albeit unregistered) when registering the disputed domain name and did so, as the Complainant alleges, either to disrupt the Complainant's business or to attract users to the Respondent's website in the mistaken view it was the Complainant's website.

As already noted, the Respondent has not sought to explain its conduct or challenge the assertions and allegations made by the Complainant.

In these circumstances, the Panel finds that the Complainant has established that the Respondent registered the disputed domain name in bad faith and has subsequently been using it in bad faith.

Accordingly, the Complainant has established all three requirements under 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 <njparcelrecords.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: May 19, 2025