ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Project Management Institute, Inc. v. Assad Sheikh, Celebrity Inn
Case No. D2025-1140

1. The Parties

Complainant is Project Management Institute, Inc., United States of America ("United States"), represented by Roche Pia LLC, United States.

Respondent is Assad Sheikh, Celebrity Inn, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <takemypmpexam.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 19, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 20, 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, Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 21, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 24, 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 Respondent of the Complaint, and the proceedings commenced on March 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. Respondent did not submit any formal Response by the due date. Accordingly, the Center notified Respondent's default on April 21, 2025. On April 29 and May 1, 2025, the Center received two email communications from the email address associated with the disputed domain name.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on April 28, 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

Complainant is a company organized under the laws of the United States that offers a variety of certified exams, e.g. the so-called "Project Management Professional" or "PMP" exam.

Complainant has provided evidence that it is the registered owner of various trademarks relating to Complainant's PMP brand, inter alia, the following:

- word trademark PMP, United States Patent and Trademark Office ("USPTO"), registration number: 2,180,481, registration date: August 11, 1998, status: active;
- word trademark PMP, USPTO, registration number: 3,748,623, registration date: February 16, 2010, status: active.

Respondent, according to the registrar verification, is located in Pakistan. The disputed domain name was registered on October 16, 2024; it resolves to a website at "www.takemypmpexam.com", offering to help students in taking Complainant's PMP exam as well as to hire "…qualified personnel to take the exam on your behalf…". Such website also states: "We operate as an official PMP exam". A roll-banner disclaimer is installed under the website's header informing Internet users, inter alia: "We are not affiliated with PMI or any other institute.".

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends to be the author and sole authorized offeror of the PMP exam, who began using its PMP brand as early as 1983, which is meanwhile globally recognized and well-known.

Complainant submits that the disputed domain name is confusingly similar to Complainant's PMP trademark, as it incorporates the latter in its entirety, only adding the generic/descriptive words "take", "my" and "exam". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is not commonly known by the disputed domain name and has not provided accurate contact information on the website thereunder, (2) Respondent has no connection or affiliation with Complainant and has not received any license or consent, express or implied, to use Complainant's PMP trademark in a domain name, business name or in any other manner, and (3) Respondent is engaged in fraudulent activities on the website under the disputed domain name which cannot be considered as any bona fide offering of goods or services. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Respondent falsely represents on the website under the disputed domain name to be an "authorized PMP exam provider" which is untrue as Complainant does not do business with Respondent and has not permitted the latter to make these claims, and (2) Respondent uses the disputed domain name to divert Internet users searching for information regarding Complainant and its PMP exam, thereby offering unauthorized and unlawful services related to the PMP program and exam, so that Internet users are likely to be confused and misled, to their detriment as well as to the detriment of Complainant.

B. Respondent

Respondent did not file a formal Response, but someone claiming to be Respondent with an email address associated with the disputed domain name stated in its informal email communications to the Center of April 29, 2025 and of May 1, 2025, inter alia, that it was based in Pakistan and not in the United States, why the case filed was completely invalid based on rules and regulations of its operating country and that it would move forward with this case in its operating country.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

Respondent's formal default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 Complainant's PMP 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.

Complainant has shown rights in respect of its PMP trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1. Also, the entirety of such trademark is reproduced within the disputed domain name, merely added by the terms "take", "my" and "exam". Accordingly, the disputed domain name is confusingly similar to Complainant's PMP trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.7. Although the addition of other terms (here, "take", "my" and "exam") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and Complainant's PMP trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 particular, Respondent has not been authorized to use Complainant's PMP trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "pmp" on its own. To the contrary, the disputed domain name resolves to a website at "www.takemypmpexam.com" offering to help students in taking Complainant's PMP exam as well as to hire "…qualified personnel to take the exam on your behalf…"; such website also states: "We operate as an official PMP exam". In this context, Complainant submits undisputedly to be the author and sole authorized offeror of the PMP exam, and that Respondent has no connection or affiliation with Complainant and is obviously not authorized to offer PMP exams in any way. Such making use of the disputed domain name, therefore, neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of the Policy, not even under the so-called Oki Data principles which would indeed have required Respondent e.g. to actually offer the goods or services at issue, which Respondent did not, but rather promoted its own business in relation to Complainant's PMP exams. WIPO Overview 3.0, section 2.8. Finally, and in order to round up such findings, the Panel notices that Respondent obviously is engaged in a fraudulent business by expressly offering not only to help students in taking Complainant's PMP exam, but also to hire qualified personnel to take the exams on behalf of the respective students instead. UDRP panels have long held that the use of a domain name for illegitimate/illegal activity (including any type of fraud) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1.

The Panel, therefore, finds the second element of the Policy has been established, too.

C. Registered and Used in Bad Faith

Third, 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 circumstances of this case leave no doubt that Respondent was fully aware of Complainant's rights in its undisputedly well-known PMP trademark when registering the disputed domain name and that the latter is clearly directed thereto. Moreover, using the disputed domain name, which is at least confusingly similar to Complainant's well-known PMP trademark, to run a website at "www.takemypmpexam.com" expressly offering, inter alia, to hire qualified personnel to take Complainant's PMP exams on behalf of the respective students instead, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's PMP trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. In this context, UDRP panels again have long held that the use of a domain name for illegitimate/illegal activity (including any type of fraud) constitutes bad faith. WIPO Overview 3.0, section 3.4.

The Panel, therefore, finds that Complainant has established the third element of the Policy, too.

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, <takemypmpexam.com>, be transferred to Complainant**.**

/Stephanie G. Hartung/
Stephanie G. Hartung
Sole Panelist
Date: May 12, 2025