

## ADMINISTRATIVE PANEL DECISION

Thoughtworks, Inc. v. Victoria Doneski<sup>1</sup>  
Case No. D2025-1189

### 1. The Parties

The Complainant is Thoughtworks, Inc., United States of America (“United States”), represented by CM Law PLLC, United States.

The Respondent is Victoria Doneski, United States.

### 2. The Domain Name and Registrar

The disputed domain name <thoughtworks.space> is registered with Spaceship, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2025. On March 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 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 Purposes. Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant sent an email to the Center on March 27, 2025, indicating that it did not wish to amend the Complaint.

The Center verified that 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”).

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<sup>1</sup> The Complainant states that its investigation about the named Registrant resulted in doubt about whether the information provided is the true identity of the Registrant. The record did not contain evidence to permit the Panel to reach a conclusion on this point. Accordingly, the Respondent is named according to the information provided by the Registrar.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2025.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on May 1, 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 global technology, design and AI consultancy founded in the United States in 1993. It is the proprietor of several registrations for its THOUGHTWORKS mark, including the following:

- United States Trademark Registration No. 1866548 for THOUGHTWORKS (word mark), registered on December 6, 1994, for services in class 35;
- United States Trademark Registration No. 2361539 for THOUGHTWORKS (word mark), registered on June 27, 2000, for services in class 42, claiming a date of first use in 1993.

The Complainant operates its primary business website at the domain name <thoughtworks.com>.

The disputed domain name was registered on February 21, 2025. At the time of this Decision, it did not resolve to an active website. The record contains evidence that, at the time of the Complaint, it resolved to a website featuring the Complainant's THOUGHTWORKS mark and displaying statements such as: "At Thoughtworks, our mission is to empower clients through innovative technology solutions that drive success in a digital world."

There is no information available about the Respondent.

#### **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 states that it is a global technology consultancy that integrates strategy, design, and software engineering. It has more than 10,000 employees in 48 offices in 19 countries and has used the THOUGHTWORKS mark since its founding in 1993. The mark is inherently distinctive and has become well-known through extensive promotion. The disputed domain name is identical to it. The Respondent is not affiliated with the Complainant and has no rights in the THOUGHTWORKS mark. The disputed domain name resolves to a website intended to deceive Internet users.

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

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

## 6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three 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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall 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”.

### 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 Complainant’s THOUGHTWORKS mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

There is no evidence that the Respondent is commonly known by the disputed domain name, nor that there are any circumstances or activities that would establish the Respondent's rights therein. The disputed domain name consists of the Complainant's THOUGHTWORKS mark (and as such is similar to the Complainant's own domain name <thoughtworks.com>). The Panel finds that such composition coupled with the Respondent's use of the disputed domain name indicates targeting of the Complainant.

The Panel notes that the available evidence indicates that the disputed domain name previously resolved to a website featuring the Complainant's mark and purporting to offer similar services. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) 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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant's rights in its THOUGHTWORKS mark predate the registration of the disputed domain name by more than 20 years. The disputed domain name is identical to the Complainant's well-established THOUGHTWORKS trademark and, together with the use to which the disputed domain name has been put, clearly implies an intention to benefit from the reputation of the Complainant's mark.

The disputed domain name redirected Internet users to a website featuring the Complainant's mark and purporting to offer similar services. Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In light of the finding that the Respondent has no rights in the disputed domain name, 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 <thoughtworks.space> be transferred to the Complainant.

*/Ingrīda Kariņa-Bērziņa/*

**Ingrīda Kariņa-Bērziņa**

Sole Panelist

Date: May 15, 2025