

ADMINISTRATIVE PANEL DECISION

Supermetrics Oy v. NNn Name, Chigozirim Peter, and Maria Moreno
Case No. D2025-1239

1. The Parties

The Complainant is Supermetrics Oy, Finland, represented by Fondia Oyj, Finland.

The Respondents are NNn Name, Nigeria, Chigozirim Peter, Nigeria, and Maria Moreno, Nigeria.

2. The Domain Names and Registrars

The disputed domain name <supermetrics-platform.com> is registered with Hostinger Operations, UAB.

The disputed domain name <supermetricsplatform.com> is registered with Spaceship, Inc.

The disputed domain names <supermetrics-platforms.com> and <supermetricsplatforms.com> are registered with NameSilo, LLC (together the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 2025. On March 26, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On March 26 and 27, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Redacted for Privacy Purposes, Privacy Service provided by Withheld for Privacy ehf and Domain Admin) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 27, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on March 31, 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 Respondents of the Complaint, and the proceedings commenced on April 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on April 25, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on May 2, 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, Supermetrics Oy, is a software company headquartered in Helsinki, Finland. The Complainant's main product is a data analytics software as-a-service platform offered under the trade name and trademark SUPERMETRICS, which has established a market reputation among data analytics service providers. The Complainant's products and services are used by clients in 120 countries, with more than 20,000 weekly users worldwide.

The Complainant owns trademark registrations for or including SUPERMETRICS, such as the following:

- the Finish trademark registration number 284583 for SUPERMETRICS (word), filed on April 27, 2020, registered on March 9, 2023, covering goods and services in International classes 9, 35, and 42;
- the United States of America trademark registration number 5157222 for SUPERMETRICS (word), filed on November 10, 2015, registered on March 7, 2017, covering goods and services in International classes 9 and 42; and
- the International trademark registration number 1731801 for SUPERMETRICS (word), registered on December 5, 2022, and covering goods and services in International classes 9, 35, and 42.

The Complainant's primary website is available at "www.supermetrics.com" and was registered on July 7, 2009.

The disputed domain names were registered as follows:

- <supermetrics-platform.com> was registered on June 9, 2024;
- <supermetrics-platforms.com> was registered on August 28, 2024;
- <supermetricsplatforms.com> was registered on November 17, 2024; and
- <supermetricsplatform.com> was registered on December 7, 2024.

According to evidence annexed to the Complaint, all the disputed domain names were used in relation to websites almost identical to the Complainant's official website, displaying the Complainant's registered word and figurative marks, the only notable difference being the contact details posted on the websites under the disputed domain names, which did not belong to the Complainant.

At the time of filing of the Complaint, the disputed domain names <supermetrics-platforms.com> and <supermetricsplatforms.com> were not actively used, being taken down by the Registrar, following the Complainant's legal request.

According to evidence annexed to the Amended Complaint, the Complainant's employees were contacted by individuals, using an email address corresponding to the disputed domain name <supermetricsplatform.com>, and introducing themselves as representatives of the Complainant, and were presented job opportunities at 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 names.

Notably, the Complainant contends the disputed domain names are confusingly similar to its SUPERMETRICS trademark because they reproduce the SUPERMETRICS trademark in its entirety with the addition of the secondary element “(-)platform(s)” which, in fact, describes the Complainant’s services, and will therefore not prevent a finding of confusing similarity between the disputed domain names and the Complainant’s trademark; the Respondents have no rights or legitimate interests in the disputed domain names; the disputed domain names have been registered and are being used in bad faith, mainly because the Complainant is an established, well-reputed and internationally well-known analytics software provider; the websites connected to the disputed domain names are almost identical to the Complainant’s official website, also displaying the Complainant’s registered word and figurative marks, without the Complainant’s permission - all such use of the disputed domain names causing immediate harm to the Complainant by tarnishing its trademark reputation. Also, the use of the disputed domain names for fraudulent websites causes significant privacy-related risks to individual Internet users.

The Complainant has been made aware that the Respondents have contacted the Complainant’s clients and employees with emails, where the Respondent introduces itself as a representative of the Complainant. To the Complainant’s knowledge, these emails have been sent in an attempt to mislead Internet users and/or to obtain their personal data.

B. Respondents

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

6. Discussion and Findings

6.1. Preliminary Procedural Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names: (i) were created in a similar manner, incorporating the Complainant’s trademark SUPERMETRICS, and the dictionary term “platform/platforms”, and a hyphen; (ii) are used to resolve to very similar websites copying the look-and-feel of the Complainant’s official website, having the same layout, logos and login pages; (iii) were registered within a span of 6 months from each other and all under the Top Level Domain “.com”; (iv) share a pattern of similarities such that all the registrants are supposedly residents in Nigeria, and some of them share

common details such as the name, telephone number, postal address, have similar commonalities and inconsistencies, are not valid recipients; and (vi) the Respondents have not objected to the consolidation claims made by the Complainant despite the communications sent by the Center to them.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

6.2. Substantive Issue: Three Elements

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

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 names. [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 Panel finds the mark SUPERMETRICS is recognizable within each of the disputed domain names. Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms, here “platform/platforms” and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition, deletion of such elements does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.8. and 1.9.

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 names. 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 names such as those enumerated in the Policy or otherwise.

According to the evidence provided in the Complaint, the Respondent has used the disputed domain names in connection with websites that impersonate the Complainant's official website. Panels have held that the use of a domain name for illegal activity (e.g., 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 disputed domain names were registered in bad faith, with knowledge of the Complainant and its trademark particularly because they incorporate the Complainant's trademark, and an additional term "platform/s" (closely related to the Complainant's business), and the Complainant's trademark predates the registration of the disputed domain names by about seven years. Further, the use of the disputed domain names reinforces such finding.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Creating copycat websites of the Complainant's own website indeed, in this Panel's view, the Respondent has intended to attract Internet users accessing the websites corresponding to the disputed domain names who may be confused and believe that the websites are held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

Also, the use of a domain name for illegal activity such impersonation/passing off can never confer rights or legitimate interests on a respondent and it is considered evidence of bad faith. [WIPO Overview 3.0](#), section 3.4.

The Respondent chose not to participate in these proceedings and has provided false/incomplete contact information to the relevant Registrar, which may be further signs of bad faith.

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 names <supermetrics-platform.com>, <supermetricsplatform.com>, <supermetrics-platforms.com>, and <supermetricsplatforms.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: May 21, 2025