

ADMINISTRATIVE PANEL DECISION

Employ, Inc. and Hireku, Inc. d/b/a JazzHR v. Jon Due
Case No. D2025-1351

1. The Parties

The Complainants are Employ, Inc., United States of America (“United States”), and Hireku, Inc. d/b/a JazzHR, United States, represented by Ice Miller LLP, United States.

The Respondent is Jon Due, United States.

2. The Domain Name and Registrar

The disputed domain name <jazznr.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2025. On April 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 4, 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 April 8, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2025. The Center received an email communication from an email address confirmed by the Registrar as a contact email address for the Respondent on April 8, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on May 6, 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 Employ, Inc. (“Employ”) is a corporation established under the laws of the state of Delaware, United States and headquartered in Denver, Colorado, United States. Employ is engaged in the business of recruitment and talent acquisition services. It operates website at “www.employinc.com”. The Complainant Hireku, Inc. d/b/a JazzHR (Hireku”) is a subsidiary, also established under Delaware law but headquartered in Pittsburgh, Pennsylvania, United States. The online database of the Pennsylvania Department of State shows that Hireku has maintained “JazzHR” as a fictitious name (“d.b.a.” or trade name) since October 13, 2016.

Hireku distributes and supports the Complainants’ JAZZHR recruiting software. The Complainants operate a website at “www.jazzhr.com” (the “Complainant’s JAZZHR Website”) as well as marketing the JAZZHR brand in person and in other media, including social media channels such as Facebook, LinkedIn, and Instagram. The Complainants demonstrate widespread recognition of their JAZZHR software, supported by over 700 employees, with some 22,000 customers, four million active jobs, 600 million candidates, and one million average annual hires.

Because of the Complainants’ common ownership and shared interests in the use of the mark at issue and the impact of the Respondent’s conduct on both Complainants, the Panel allows the Complaint to proceed with multiple complainants and refers to the Complainants collectively hereafter as the “Complainant” except where otherwise indicated. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.11.1.

The Complainant Hireku holds trademark registrations in several jurisdictions, including United States Trademark Registration Numbers 5306107 (registered on October 10, 2017) for the figurative mark JAZZHR in stylized letters and 6888685 (registered on November 1, 2022) for JAZZHR as a standard character mark, both in International Class 42.

The disputed domain name was created on October 25, 2023. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as the Respondent “Jon Due”, an apparent variation of “John Doe”, commonly used as a placeholder in Anglo-American legal systems when the true identity of a male person is unknown or concealed, as indicated in online dictionaries of English and the Wikipedia article on “John Doe”.¹ The postal address furnished with the registration is manifestly fictitious, as the Complainant observes, listing an abbreviated or non-existent street name with a suite number but no street number, followed by “New Jersey NY” (New Jersey is a state in the United States, not a city in the state of New York) and a postal code that applies to a rural area of a different state, Arizona. The contact email address is in the “.me” email service associated with Apple iCloud service.

After receiving notice of the Complaint from the Center at this email address, a person with a female name corresponding to that contact email address replied to the Center by email as follows:

“I don’t know where did you get this data. I am Canadian Citizen, not US.”

She provided her “correct” postal address details in Canada but did not comment about ownership of the disputed domain name or respond to the Complaint or subsequent communications from the Center.

For purposes of this Decision, the Panel refers hereafter to the “Respondent” as the actual registrant of the disputed domain name, whether that person is a real “Jon Due”, a Canadian woman who chooses not to engage in these proceedings or alternatively whose email address the registrant deceptively appropriated, or an imposter who has succeeded in obscuring his or her identity.

¹Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. [WIPO Overview 3.0](#), section 4.8.

The disputed domain name does not resolve to an active website at the time of this Decision. The Complaint attaches a screenshot of an error message to which the disputed domain name resolved at the time the Complaint was filed. However, the Panel notes that archived screenshots of the website associated with the disputed domain name in February and March 2025, found on the Internet Archive's Wayback Machine, show that it closely emulated the Complainant's JAZZHR website, prominently featuring the Complainant's trademark and describing its software and services and including the Complainant's physical address and content apparently copied from the Complainant's JAZZHR website. The Respondent's former website also requested the user's JAZZHR account login credentials or personal and business information necessary to create a new account. Despite this, a footer carried this easily overlooked disclaimer:

"The information provided on this website is for education purposes only. The website or any of the authors does not hold any responsibility for the suitability, accuracy, authenticity, or completeness of the information within. We are not associated with JazzHR.

This is third-party website."

The Complainant's counsel sent a cease-and-desist letter "to whom it may concern", without reply (the Complaint does not indicate how the letter was transmitted).

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 its JAZZHR mark, differing by a single letter. The Complainant argues that there is no evidence that the Respondent is known by a corresponding name and points to the fact that the disputed domain name resolves only to an error message, indicating that the Respondent is not making use of the disputed domain name.

The Complainant contends that its mark is distinctive and well established and that the Respondent must have registered the disputed domain name, consisting of a minor variation from the mark, in the hope of diverting traffic from the Complainant. The Complainant also relies on the "passive holding" doctrine of *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and following decisions to assert bad faith, noting the Respondent's acts of concealment as well as the Complainant's fame and reputation.

B. Respondent

The Respondent did not reply to the Complainant's contentions. As noted above, the Center received an email from a person who may or may not be the registrant of the disputed domain name, simply "correcting" her postal address details.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark, the registered JAZZHR mark, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. They differ by one letter, the disputed domain name substituting “n” for the “h” that stands for “human” in the Complainant’s intended abbreviation “HR”. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, 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 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 indication that the Respondent is commonly known by a corresponding name, and the Complainant denies any association with the Respondent. The Respondent’s former website, of which the Complainant seems to have been unaware, included a disclaimer stating that the website was merely “educational” and not affiliated with the Complainant, but this cannot be taken at face value. The disclaimer was not prominent, and the website otherwise impersonated the Complainant’s JAZZHR website, as well as can be determined from the archived versions available from the Wayback Machine. The Respondent’s former website also solicited personal information and login credentials for the Complainant’s website, which is not consistent with the disclaimer. These facts are not congruent with a possible claim of rights or legitimate interests under the Policy, paragraph 4(c)(i) for use in connection with a bona fide commercial offering of goods or services, nor under paragraph 4(c)(ii) for legitimate noncommercial fair use. The Respondent has not come forward with plausible arguments to the contrary.

Panels also have held that the use of a domain name for illegitimate or illegal activity, here involving impersonation and phishing for login credentials and personal information, 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 was clearly aware of the Complainant and its well-established mark, publishing an imitative website with an implausible disclaimer of affiliation as discussed

above. The composition of the disputed domain name is itself suspicious as suggesting an intention on the part of the Respondent to confuse users seeking the Complainant. The disputed domain name differs from the Complainant's fanciful mark and the Complainant's own domain name by a single letter, and "n" and "h" are both visually similar and also adjacent on many users' keyboards. Thus, the disputed domain name seems designed to create confusion. The Respondent's former website, imitative of the Complainant's JAZZHR website, invited visitors to enter their JAZZHR login credentials or apply for an account by entering personal and business information. Thus, the Respondent's conduct accords with the example of bad faith given in the Policy, paragraph 4(b)(iv), intentionally attempting to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark.²

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 illegitimate or illegal activity, here involving impersonation and phishing for login credentials and personal information, 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 <jazznr.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: May 15, 2025

²The Complainant seems not to have been aware of this use of the disputed domain name in February and March 2025 and so relied on the "passive holding" doctrine because the disputed domain name appeared not to be in active use. That doctrine might well be considered appropriate were it not for the Respondent's publication of an imitative website in 2025.