

ADMINISTRATIVE PANEL DECISION

**OUTSCHOOL, INC. DBA OUTSCHOOL.COM v. Domain Administrator,
Fundacion Privacy Services LTD
Case No. D2025-1480**

1. The Parties

The Complainant is OUTSCHOOL, INC. DBA OUTSCHOOL.COM, United States of America (“United States”), represented by Messner Reeves LLP, United States.

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Name and Registrar

The disputed domain name <outchool.com> is registered with Media Elite Holdings Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2025. On April 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 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 amended Complaint on April 20, 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 Respondent of the Complaint, and the proceedings commenced on April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 13, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on May 22, 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 operates an online marketplace of virtual classes for children.

The Complainant has registered several OUTSCHOOL trade marks including the following;

- United States Patent and Trademark Office trade mark OUTSCHOOL number 5,816,699, filed on January 18, 2018, with a date of first use in commerce of April 29, 2015, and registered on July 30, 2019.

The Complainant owns the domain name <outschool.com>.

The disputed domain name was registered on March 22, 2019.

The disputed domain name currently redirects to a malicious website and triggers a warning message stating: *“Malicious Website, The website track.crystalbloom.bid is classified as malicious and has been blocked by our security systems. (...)”*.

Previously the disputed domain name was used in different ways, for instance, at different times, it directed to a website including a window inviting Internet users to provide personal data and at another time, it directed to third party websites ultimately leading, through a succession of websites, to the Complainant's website.

The only information available about the Respondent is as disclosed by the Registrar.

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 OUTSCHOOL trade mark and that it is an intentional misspelling of its trade mark.

The Complainant asserts that the Respondent is not, to the Complainant's knowledge, commonly known by the disputed domain name and the Complainant has represented that it has not granted a license or otherwise authorized the Respondent to make any use of its OUTSCHOOL trade mark.

The Complainant considers that the disputed domain name was registered in bad faith and points out that the designation “outschool” is unique and arbitrary such that it is unlikely that the Respondent devised the term “outschool.com” on its own. The Complainant argues that the disputed domain name is used in bad faith given the various websites the disputed domain name has directed to, including websites seeking to obtain personal data from unsuspecting Internet users.

B. Respondent

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

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 trade mark 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 trade mark or service 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 as the only difference between the OUTSCHOOL trade mark and the disputed domain name at the second level is the omission of the letter "s". Accordingly, the disputed domain name is confusingly similar to the OUTSCHOOL trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 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 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 has been commonly known by the disputed domain name and the Complainant has represented that it has not granted a license or otherwise authorized the Respondent to make any use of its OUTSCHOOL trade mark.

The disputed domain name has been put to different types of uses since it was registered by the Respondent and none of them would qualify as either a bona fide offering or a legitimate noncommercial or fair use. The disputed domain name is currently used to redirect to a malicious website and it used to redirect to a website asking for personal details or redirect to the Complainant's website through a succession of websites.

Panels have held that the use of a domain name for illegitimate activity here, in connection with phishing for 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.

The Panel preliminarily notes that the Complainant's trade mark OUTSCHOOL was registered after the registration of the disputed domain name.

Therefore, a question arises as to whether bad faith can be found in this case since the disputed domain name was registered before the Complainant acquired registered trade mark rights.

Generally, where a respondent registers a domain name before the complainant's trade mark rights accrue, panels will not normally find bad faith on the part of the respondent. [WIPO Overview 3.0](#), section 3.8.1.

As an exception to the general proposition described above in 3.8.1, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trade mark rights, panels have been prepared to find that the respondent has acted in bad faith. [WIPO Overview 3.0](#), section 3.8.2.

Here it is clear to the Panel that the respondent's intent in registering the domain name was to unfairly capitalize on the Complainant's unregistered trade mark rights given that (i) the OUTSCHOOL trade mark was filed more than a year before the disputed domain name was registered, (ii) the date of first use in commerce of the OUTSCHOOL trade mark predates the disputed domain name by almost three years and (iii) evidence has been produced to show the Internet visibility and reputation of the business carried out under the unregistered OUTSCHOOL trade mark, long before the registration of the disputed domain name.

The Panel finds that the Respondent acted in opportunistic bad faith when registering the disputed domain name, as it is so obviously connected with the Complainant and its services that its selection by the Respondent, which has no connection with the Complainant, suggests the disputed domain name has been registered with a deliberate intent to create an impression of an association with the Complainant (see for instance *New European College GmbH v. Moniker Privacy Services / Mr. Li Chang*, NECM, WIPO Case No. [D2017-0538](#)).

The Panel thus finds that the disputed domain name was registered in bad faith.

As for the use of the disputed domain name in bad faith, given the circumstances described in the Complaint and the evidence provided by the Complainant, the Panel considers that the disputed domain name is used in bad faith.

The disputed domain name currently redirects to a malicious website and triggers a warning message stating: *"Malicious Website, The website track.crystalbloom.bid is classified as malicious and has been blocked by our security systems. (...)"*.

Previously the disputed domain name was used in different ways, for instance, at different times, it directed to a website including a window inviting Internet users to provide personal data and at another time, it directed to third party websites ultimately leading, through a succession of websites, to the Complainant's website.

The current and past uses of the disputed domain name are typically the kind of bad faith uses that the Policy is designed to tackle.

Panels have held that the use of a domain name for illegitimate activities, here the use in connection with a phishing website, 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 <outchool.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: June 5, 2025