

## **ADMINISTRATIVE PANEL DECISION**

Etsy, Inc. v. Russell Petersen  
Case No. D2025-1536

### **1. The Parties**

The Complainant is Etsy, Inc., United States of America (“United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

The Respondent is Russell Petersen, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <etsyuniverse.com> is registered with Wix.com Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2025. On April 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 19, 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 (James Smith) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 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 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 the Respondent of the Complaint, and the proceedings commenced on April 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on May 21, 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 an e-commerce marketplace that specializes in handmade, vintage, and unique goods created by individual sellers and small businesses. The platform connects entrepreneurs with buyers looking for one-of-a-kind items ranging from jewelry and home decor to art and craft supplies. The Complainant generates revenue primarily through listing fees, transaction fees, and payment processing fees charged to sellers, as well as advertising services that help sellers promote their products. The platform attracts approximately 400 million monthly visitors and hosts over 100 million active listings.

The Complainant owns registrations for the trademark ETSY (the "Mark") in numerous countries, including United States Reg. No. 6,777,383, registered on July 5, 2022, United States Reg. No. 3,180,068, registered on December 5, 2006, and United States Reg. No. 3,297,913, registered September 25, 2007.

The disputed domain name was registered on October 26, 2024. It resolves to a purported promotional scheme offering advertising services for 'Your Etsy Shop,' requiring cryptocurrency payments and displaying fictitious endorsements.

#### **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.

The Complainant asserts that the disputed domain name is confusingly similar to the Mark because it wholly incorporates the Mark with only a descriptive addition. The Complainant contends that they never authorized the Respondent to use the Mark or any variation of it and argues that the Respondent has not engaged in any bona fide commercial activity related to the disputed domain name. Furthermore, the Complainant asserts that the Respondent registered and utilized the disputed domain name in bad faith to redirect Internet visitors to the Respondent's website for commercial gain, while offering questionable cryptocurrency-based services for Etsy sellers in violation of the Complainant's Terms of Use.

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

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

#### **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name is 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 respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is 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 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 the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's Mark because it wholly adopts the Complainant Mark, followed by the common term "universe." Confusing similarity may be established for the purposes of the Policy when a domain name wholly incorporates a complainant's registered mark or when at least a dominant feature of the relevant mark is recognizable in the domain name ([WIPO Overview 3.0](#), section 1.7). In this case, the Mark is clearly recognizable in the disputed domain name.

The Top-Level Domain of the disputed domain name, in this case ".com", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1, and *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

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.

The disputed domain name resolves to a website that prominently features the Mark, using the Complainant's coloring scheme, and facilitates cryptocurrency transactions, raising serious concerns about the legitimacy of the Respondent's activities. Panels have held that using a domain name to promote deceptive or fraudulent activities, including impersonation or passing off 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**

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following non-exhaustive scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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.

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.

The Panel finds that the Respondent was aware of the Complainant's well-known Mark and its associated goodwill when it registered the disputed domain name. The disputed domain name, which incorporates the Mark and resolves to a site offering services relating to the Complainant's platform, supports a finding under paragraph 4(b)(iv) of the Policy that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement.

Panels have determined that using a domain name for various deceptive or fraudulent activities - including , impersonation or passing off - constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Here, the Respondent's website offers commercial services claiming to assist individuals in creating and managing seller accounts on the Complainant's platform. The website prominently displays the Complainant's Mark, creating a misleading impression of affiliation or endorsement by the Complainant. Visitors are presented with various service packages - such as "Etsy Account Creation" and "Etsy Seller Setup" - in exchange for payment. Notably, the site solicits payment exclusively or preferentially in cryptocurrency. The website displays fictitious endorsements, further misleading consumers and compounding the deceptive nature of the scheme. These factors, taken together, indicate that the Respondent is engaged in a deceptive commercial scheme intended to exploit the Complainant's goodwill.

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 <etsyuniverse.com> be transferred to the Complainant.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: May 26, 2025