

ADMINISTRATIVE PANEL DECISION

JDS Development LLC d/b/a JDS Development Group, JDS Development FL LLC v. Konstantis Bravarskis
Case No. D2025-1673

1. The Parties

The Complainants are JDS Development LLC d/b/a JDS Development Group, and JDS Development FL LLC, United States of America ("United States"), represented by Clare Locke LLP, United States.

The Respondent is Konstantis Bravarskis, Latvia.

2. The Domain Name and Registrar

The disputed domain name <jdsdevelopmentllc.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 25, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 26, 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 ("unknown") and contact information in the Complaint. The Center sent an email communication to the Complainants on April 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on May 2, 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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on June 3, 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.

On June 4, 2025, the Panel issued Procedural Order No. 1, requiring the Complainants to file a further amended Complaint in order to address a formal deficiency. The Complainants filed a Second Amended Complaint accordingly on June 5, 2025.

The Panel is satisfied that the Complainants have a specific common grievance against the Respondent, and that it would be equitable and procedurally efficient for the Complainants' claims against the Respondent to be consolidated (see section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")).

4. Factual Background

The Complainants are associated legal entities. The Complainants are real estate development and acquisition companies, founded by an individual named Michael Stern, and operating in particular in New York City and South Florida.

The Complainant JDS Development FL LLC is the owner of United States trademark registration number 7302234 for the word mark JDS DEVELOPMENT GROUP, registered on February 13, 2024, with a first use in commerce date of November 1, 2014.

The Complainants operate a website at "www.jdsdevelopment.com".

The disputed domain name was registered on February 25, 2025.

The Complainants exhibit evidence that, on March 15, 2025, the disputed domain name resolved to a website headed "JDS DEVELOPMENT GROUP" and "JDS DEVELOPMENT LLC", with the strapline "Welcome to the website dedicated to exposing the fraudulent activities of Michael Stern." The website included additional sub-headings such as "Confidence Artist" and "Investor Deception Scheme". While the website also included a "Disclaimer", this stated merely that its content was provisional, and made no comment on its relationship or otherwise with the Complainants.

At the date of this Decision, the disputed domain name resolved to a "Website not found..." message.

5. Parties' Contentions

A. Complainants

The Complainants submit that they have used the mark JDS DEVELOPMENT GROUP continuously in commerce since November 2014, and that they are well known for their pioneering progressive forms of urban development, including striking new real estate developments in New York City and South Florida. They refer to critical acclaim for their developments including "American Copper" buildings, and to tie-ups with companies such as Dolce & Gabbana and Mercedes-Benz to develop branded luxury apartments.

The Complainants submit that the disputed domain name is confusingly similar to their trademark JDS DEVELOPMENT GROUP. They state that the disputed domain name fully incorporates the first two elements of that mark, omitting only the term "group". They contend that the addition of the generic term "llc" does not distinguish the disputed domain name from their trademark, but merely reinforces the likelihood of confusion, since they trade as an LLC, i.e., a limited liability company.

The Complainants submit that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants state that they have not licensed or authorized the Respondent to use their JDS DEVELOPMENT GROUP trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name. The Complainants contend, in particular, that the disputed domain name and the Respondent's website have been created for the purposes of causing confusion with their trademark and diverting Internet users, which cannot give rise to rights or legitimate interests.

The Complainants submit that the disputed domain name was registered and is being used in bad faith. They state that the Respondent was obviously aware of their JDS DEVELOPMENT GROUP trademark when it registered the disputed domain name, since its website openly targets the Complainants. The Complainants point to the Respondent's specific inclusion of their JDS DEVELOPMENT GROUP mark on its website, where it publishes (what they deem to be) false and defamatory allegations about the Complainants and their founder, Michael Stern. The Complainants say that this constitutes part of a pattern of similar conduct on the Respondent's part, also implicating another website at "www.jdspulse.com".

The Complainants add that the Respondent initially obscured its registration details, and that they have conducted a reasonable search against the name and location disclosed by the Registrar for the Respondent but have been unable to identify any matching individual. The Complainants contend that the provision of false contact details supports a finding of bad faith, including in cases where no active use is being made of the disputed domain name, as is the most recent position.

The Complainants request the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainants are required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

A. Identical or Confusingly Similar

The Complainants have established that they have registered trademark rights in respect of the mark JDS DEVELOPMENT GROUP. The disputed domain name comprises the terms "jds" and "development", which correspond to the dominant portion of that trademark, together with the abbreviation "llc", which does not prevent the Complainants' trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the first element under the Policy is established.

B. Rights or Legitimate Interests

The Respondent has used the disputed domain name for the purpose of a criticism site, containing allegations of impropriety against the Complainants and their founder, Michael Stern.

The use of a complainant's trademark in connection with a criticism website has been the subject of numerous prior decisions under the UDRP, the conclusions of which are summarized in section 2.6 of [WIPO Overview 3.0](#): "2.6 Does a criticism site support respondent rights or legitimate interests?"

In summary, to support fair use under paragraph 4(c)(iii) of the Policy, the respondent's criticism must be genuine and noncommercial, e.g., the relevant website must not merely be a pretext for commercial activity. Furthermore, Panels have found that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark, since this creates an impermissible risk of user confusion through impersonation.

Where the domain name is not identical to the complainant's trademark, but comprises the mark plus a derogatory term (e.g., "sucks"), panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site, if such use is *prima facie* noncommercial, genuinely fair, and not misleading or false.

In this case, the Panel accepts that criticism appears to be the genuine purpose of the Respondent's website, as opposed to it being merely a pretext for some ulterior purpose such as commercial activity. The Panel makes clear, however, that it expresses no view on the veracity or otherwise of the Respondent's criticisms, which are matters beyond the scope of this proceeding and not relevant to its outcome.

The disputed domain name is, however, highly similar to the Complainants' trademark JDS DEVELOPMENT GROUP (albeit that it substitutes the abbreviation "llc" for the term "group") and does not include any additional term (e.g., "sucks") that would indicate a lack of affiliation between the Complainant and the relevant website operator. While the disputed domain name is not identical to the Complainants' trademark, the Panel finds it to be inherently misleading, as inevitably suggesting to Internet users that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainants. The Panel finds there to be no reason in this case to depart from the established view that a domain name which effectively impersonates a trademark owner is impermissible for the purpose of a criticism site.

The second element under the policy is therefore established.

C. Registered and Used in Bad Faith

For similar reasons as outlined in connection with the second element under the Policy, above, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

The disputed domain name is highly similar to the Complainants' trademark JDS DEVELOPMENT GROUP, their company names JDS Development LLC and JDS Development FL LLC, and their website "www.jdsdevelopment.com", and falsely represents to Internet users that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. That constitutes a deceptive use of the disputed domain name in bad faith. It is also clear from the circumstances that the Respondent had the Complainant's trademark in mind, and targeted that trademark, when both registering and using the disputed domain name.

While the Respondent has operated what appears to be a genuine (i.e., non-pretextual) criticism site, that does not alter the fact that both the nature of the disputed domain name and its use create an impermissible risk of user confusion through impersonation. (The Panel also finds that, while the Respondent may not be seeking any financial gain from the diversion of Internet users to its website, as contemplated by paragraph 4(b)(iv) of the Policy, its website was calculated to cause reputational and/or financial harm to the Complainant, being a circumstance which may be equally indicative of bad faith.) The fact that the Respondent's website may more recently have redirected to an inactive webpage does not alter the Panel's overall assessment that the disputed domain name was registered and has been used in bad faith.

The Panel therefore finds that the third element under the Policy is established.

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 <jdsdevelopmentllc.com> be transferred to the Complainants.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: June 17, 2025