

## ADMINISTRATIVE PANEL DECISION

Marq Vision Inc. v. Richard Racomelara, PROTECTIT, Name Redacted, and Name Redacted

Case No. D2025-1880

### 1. The Parties

The Complainant is Marq Vision Inc., United States of America, internally represented.

The Respondents are Richard Racomelara, PROTECTIT, Australia, Name Redacted, and Name Redacted<sup>1</sup>.

### 2. The Domain Names and Registrars

The disputed domain names <marqivision.com>, <marqivision.com>, and <marqivisioncopyrightinfringement.com> are registered with GoDaddy.com, LLC.

The disputed domain name <marqivision.com> is registered with NameCheap, Inc. (together the “Domain Names” and the “Registrars”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2025. On May 12, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On May 12, 2025, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondents (unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 13, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the Domain Names associated with different underlying

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<sup>1</sup>The Respondents appear to have used the name and contact details of the Complainant’s employees when registering the Domain Names. In light of the potential identity theft, the Panel has redacted the Respondents’ name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Domain Names, which includes the name of the Respondents. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 amended Complaints on May 15 and 22, 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 May 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on June 17, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on June 20, 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 intellectual property enforcement platform for combatting online counterfeiting and brand infringement. The Complainant received the LVMH 2022 Innovation Award for Data and Artificial Intelligence. The Complainant operates its main website at "www.marqvision.com".

The Complainant owns trademark registrations for MARQVISION in the Republic of Korea, including trademark registration No. 4017306270000, MARQVISION (figurative), filed on March 11, 2020, and registered on May 24, 2021, for goods and services in International classes 9, 38, and 42 and, subsequently filed on January 4, 2021, and registered on May 11, 2022, for services in International class 35.

The Domain Name <marqvision.com> was registered on September 24, 2024, the Domain Names <marqivision.com" and <marqivision.com> were registered on December 9, 2024, and the Domain Name <marqvisioncopyrightinfringement.com> was registered on December 25, 2024.

Two of the Domain Names, namely <marqvision.com> and <marqvisioncopyrightinfringement.com>, redirected to the Complainant's official website, while in the latter also Mail Exchange records were configured. At the time of filing of the Complaint all Domain Names lead to inactive websites. Currently the Domain Names <marqivision.com> and <marqivision.com> lead to coming soon pages, the Domain Name <marqvisioncopyrightinfringement.com> redirects to the Complainant's official website and the Domain Name <marqvision.com> leads to an inactive website.

#### **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.

##### **B. Respondents**

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

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the Domain Names:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondents have no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

### **Consolidation: Multiple Respondents**

The amended Complaints was filed in relation to nominally different domain name registrants. The Complainant alleges that the 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 Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The 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 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 the following:

- three Domain Names incorporate minor variations and misspellings of the Complainant's MARQVISION mark;
- all Domain Names were registered within a three-month period;
- three Domain Names used contact email addresses with similar naming patterns;
- three Domain Names misappropriate the name of an actual employee of the Complainant in the registrant fields;
- three Domain Names listed the Complainant's actual corporate address when registering the Domain Names;
- two of the Domain Names with different registrant details redirected to the Complainant's official website.

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 Domain Name registrants (referred to below as "the Respondent") in a single proceeding.

### **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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the Domain Names, three of which constitute obvious misspellings of the Complainant's trademark, and one of which reproduces the entirety of the Complainant's trademark.

Accordingly, the Domain Names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.8 and 1.9.

Although the addition of other terms (here, the terms "copyright" and "infringement") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name <marqvisioncopyrightinfringement.com> and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLDs") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#), and [WIPO Overview 3.0](#), section 1.11.1).

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.

The Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Names. As per the Complainant, the Respondent was not authorized to register the Domain Names.

The Respondent did not demonstrate any prior to the notice of the dispute use of the Domain Names or a trademark corresponding to the Domain Names in connection with a bona fide offering of goods or services.

On the contrary, as the Complainant demonstrated, the Domain Names resolved to inactive websites or redirected to the Complainant's website.

The Panel finds that these circumstances do not confer upon the Respondent any rights or legitimate interests in respect of the Domain Names.

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.

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.

Because the MARQVISION mark had been used and registered by the Complainant at the time of the Domain Names registrations, the Panel finds it more likely than not that the Respondent had the Complainant's trademark in mind when registering the Domain Names. Furthermore, three Domain Names constitute misspellings of the Complainant's trademark, and one reproduces the entirety of the Complainant's trademark, and two redirected to the Complainant's website. The above is a clear indication that the Respondent knew of the Complainant and its trademark and chose the Domain Names having the Complainant's trademark in mind.

As regards bad faith use, panels have held that redirecting the domain name to the complainant's website may support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark, [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, to the extent that the websites at the Domain Names display a text stating "launching soon", which previous panels have considered equivalent to a passive holding, the Panel notes that panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark in its field of business, and the composition of the Domain Names, three of which constitute misspellings of the Complainant's trademark and one of which reproduces the mark entirety and finds that in the circumstances of this case the passive holding of the Domain Names does not prevent a finding of bad faith under the Policy.

Last, the Panel takes also into account the false contact details provided by the Respondent, the registrant's name of actual employees of the Complainant, and the entering of the Complainant's company name and address when registering three of the Domain Names. In addition, the fourth Domain Name <marqvision.com> is registered to a person, who, per Complaint, is affiliated to an Australian business named PROTECTIT, which offers services competing to those of the Complainant.

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 Domain Names <marqivision.com>, <marqivision.com>, <marqivision.com>, and <marqivisioncopyrightinfringement.com> be transferred to the Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: July 4, 2025