

ADMINISTRATIVE PANEL DECISION

RCI, LLC v. consultdesign, Bruno Romero
Case No. D2025-2099

1. The Parties

Complainant is RCI, LLC, United States of America (“U.S.”), represented by Lewis Rice, LLC, U.S.

Respondent is consultdesign, Bruno Romero, U.S.

2. The Domain Name and Registrar

The disputed domain name <rci-member.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 May 28, 2025. On May 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 (RCI-member.com c/o NameSilo LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on May 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 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 Respondent of the Complaint, and the proceedings commenced on June 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 23, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on June 26, 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

Complainant RCI and its predecessor companies have been in the travel information services and timeshare exchange business since the 1970s, representing thousands of properties and travel activities internationally.

Complainant owns several registrations for its RCI trademark, including for example U.S. Trademark Registration No. No. 1386274, registered in International Class 36 on March 11, 1986; U.S. Trademark Registration No. 2259563, registered in International Class No. 39 on July 6, 1999; and U.S. Trademark Registration No. 2261137, registered in International Class 16 on July 13, 1999.

The disputed domain name was registered August 22, 2024 and does not currently resolve to an active webpage.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant avers that Respondent posed as Complainant by using the RCI trademarks and actual business address without authorization. Specifically, Complainant alleges that Respondent used the disputed domain name to send fraudulent emails to customers, affiliates, and members of the public, attempting to induce recipients to make substantial payments to Respondent. Evidence submitted by Complainant reveals one instance in which Respondent extensively quoted customer Mexican law presumably applicable to the putative debt, claiming to have contacted multiple local authorities and contending that if payments were not made, the recipient would face complaints, blacklisting, and criminal prosecution.

B. Respondent

Respondent did not reply to 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 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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "-member") may bear on assessment of the second and third elements, the Panel finds the addition of these terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of paragraph 4(a) 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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.

Complainant annexes to the Complaint several redacted emails supporting the allegations of impersonation and fraud; the Panel accepts Complainant’s evidence and unopposed representations.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the second element of paragraph 4(a) 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, are evidence of the registration and use of a domain name in bad faith.

To the Panel, it appears obvious that Respondent “intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with ... [C]omplainant’s mark,” a clear instance of bad faith under paragraph 4(b) of the Policy.

While 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, other circumstances may also 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.

Complainant has submitted credible, unopposed evidence that the disputed domain name was used to transmit multiple emails that impersonated Complainant and attempted to solicit fraudulent payments Complainant’s customers and other individuals.

Panels have held that the use of a domain name for illegitimate activity (here, alleged impersonation/passing off and other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <rci-member.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: July 10, 2025