

## **ADMINISTRATIVE PANEL DECISION**

Etsy, Inc. v. Farhan saeed  
Case No. D2025-2347

### **1. The Parties**

The Complainant is Etsy, Inc., United States of America ("U.S."), represented by Fross Zelnick Lehrman & Zissu, P.C., U.S.

The Respondent is Farhan Saeed, Pakistan.

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

The disputed domain name <etsyonlineshop.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 13, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 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 June 18, 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 June 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14, 2025.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on July 18, 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, Etsy, Inc., is the owner of domain name <etsy.com> and the trademark ETSY. The Complainant claims that its domain name is one of the most popular websites in the world and, at any given time, its online platform contains over 100 million listings that are crafted and curated by its creative sellers. The Complainant claims that it has been using its trademark in connection with its online platform since at least 2005, offering unique and creative goods. The Complainant holds numerous registrations for its trademark ETSY in the U.S., covering online retail store services and related goods and services. The Complainant has registered its service mark ETSY in the U.S. under Registration no. 5762753 on May 28, 2019, and under Registration No. 6777383 on July 5, 2022. In addition to its U.S. registrations, the Complainant also owns trademark rights in various other jurisdictions. For instance, in the United Kingdom the mark ETSY (word) is registered under UK00800912704 on January 14, 2008.

Furthermore, the Complainant contends that extensive advertising and promotional efforts and commercial success, as well as the amount, volume, and geographic extent of sales made under the trademark ETSY has achieved widespread recognition and developed enormous goodwill.

The disputed domain name was registered on September 7, 2018. The Complainant submits that the disputed domain name resolves to an online marketplace offering a wide variety of merchandise for sale, apparently for the Pakistani market. Furthermore, the Complainant alleges, with supporting evidence, that the disputed domain name uses orange color which is identical to the one used in its own trademark and that the large portions of the website resolving from the disputed domain name appear to be under construction, including inactive hyperlinks and incomplete text field. The Complainant further submits that the images displayed on the "About Us" page of the disputed domain name, purportedly from the Respondent's Instagram account, corresponds to a different Instagram account of a third party.

In view of the above, the Complainant's counsel contacted the ISP hosting the Respondent's website on November 26, 2024, but received no response. Notably, the disputed domain name became inactive on or around December 2, 2024, and was reactivated at some point before April 15, 2025.

#### **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 incorporates the Complainant's trademark in its entirety as the primary term and adding only the non-distinctive terms "online" and "shop," both of which describe the Respondent's purported services as well as the Complainant's own services. Thus, the disputed domain name is confusingly similar to Complainant's mark. The Complainant further argues that the website at the disputed domain appearing in the same orange color is likely to create confusion among the relevant public.

The Complainant alleges that there is no relationship between the Complainant and the Respondent that would give rise to any license, permission, or authorization by which the Respondent could own or use the disputed domain name. The Complainant further submits that the Respondent is trying to pass off its disputed domain name as that of the Complainant's by purportedly offering a marketplace similar to the

ETSY marketplace and using a similar color scheme. Lastly, the Complainant submits that there is no basis for the Respondent to claim that it has legitimately registered the disputed domain name.

The Complainant asserts that the Respondent's use and adoption of the Complainant trademark in the disputed domain name with the same color scheme and marketplace shows that the Respondent is familiar with the Complainant's trademark. And that the Respondent's use of the disputed domain name without authorization amounts to opportunistic bad faith. Furthermore, the Complainant alleges that the Respondent is trying to create an association with the Complainant and to trade on its rights and reputation. Lastly, the Complainant argues that the Internet users are likely to believe, mistakenly, that the disputed domain name is owned by, related to, or associated with the Complainant amounting to bad faith.

## **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 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 a trademark and 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 the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "online" and "shop", may bear on assessment of the second and third elements, the Panel finds the addition of such terms do 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 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.

In addition, the nature of the disputed domain name (including the Complainant's trademark with the additional terms related to the Complainant's activity) cannot constitute fair use here since it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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

### **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.

In the present case, the Panel notes that the Respondent is using the Complainant's trademark with the same color scheme and is offering a similar marketplace through the disputed domain name. As a result, the Panels agree that the Respondent is exploiting the Complainant's rights and reputation, thereby creating confusion among Internet users. This shows that the Respondent was well aware of the Complainant and its trademark when registering the disputed domain name.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, 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 <etsyonlineshop.com> be transferred to the Complainant.

*/Meera Chature Sankhari/*

**Meera Chature Sankhari**

Sole Panelist

Date: August 1, 2025