

## **ADMINISTRATIVE PANEL DECISION**

Shiftkey, LLC v. John Deecon, TrafficDomains INC  
Case No. D2025-2994

### **1. The Parties**

The Complainant is Shiftkey, LLC, United States of America (“United States”), represented by Pranger Law PC, United States.

The Respondent is John Deecon, TrafficDomains INC, Malaysia.

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

The disputed domain name <shiftkeys.blog> (the “Disputed Domain Name”) is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 26, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 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 (TrafficDomains Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 amendment to the Complaint on August 8, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 2, 2025.

The Center appointed Nicholas Weston as the sole panelist in this matter on September 11, 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.

Having regard to the Complainant's election of the Registrar's location as the basis for Mutual Jurisdiction and the location of the principal office of the Registrar, it appears that the applicable mutual jurisdiction is Malaysia. On September 17, 2025, the Panel issued a Procedural Order No.1 requesting the Complainant to amend the Mutual Jurisdiction section in the amended Complaint by September 22, 2025. On September 18, 2025, the Complainant submitted an amended Complaint with the specification of the Mutual Jurisdiction in compliance with the Procedural Order No.1.

#### **4. Factual Background**

The Complainant is a United States incorporated company that operates a technology-based healthcare staffing platform serving more than 10,000 organizations in the United States. The Complainant holds registrations for the trademark SHIFTKEY and variations of it around the world, including, inter alia, United States Registration No. 6265457 registered on February 9, 2021 for the word mark SHIFTKEY.

The Complainant owns the domain name <shiftkey.com>, which resolves to its main login webpage.

The Respondent registered the Disputed Domain Name on June 22, 2025, which resolved to a webpage identical to the "Shiftkey" online login page by the Complainant. The Disputed Domain Name does not currently resolve to an active 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 Name.

Notably, the Complainant cites trademark registrations for the mark SHIFTKEY, and variations of it, in numerous jurisdictions as prima facie evidence of ownership.

The Complainant submits that as a result of "widespread use and promotion of its platform, the SHIFTKEY mark has developed a strong reputation among healthcare professionals and facilities" and that its rights predate the Respondent's registration of the Disputed Domain Name by some nine years, and submits that the Disputed Domain Name is confusingly similar to its trademark, for the reason that the addition of the letter "s" and the generic Top-Level Domain ("gTLD"), ".blog," to the Disputed Domain Name does not avoid a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the "Respondent is not a licensee of Complainant, nor has Respondent ever been authorized by Complainant to use Complainant's SHIFTKEY Marks or any mark comprising or containing the mark SHIFTKEY. Respondent did not receive permission from Complainant to register the Disputed Domain Name or any other domain name containing the SHIFTKEY Marks, and it has no relationship with Complainant" and contends that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules because “[a]t a bare minimum, given Complainant’s trademark registrations, prior use, and the prominence of Complainant’s SHIFTKEY Marks, Respondent had constructive knowledge of Complainant’s rights prior to Respondent’s registration of the Disputed Domain Name”, and the Complainant contends, on the issue of bad faith use, that: “Respondent’s content [ ] is an identical imitation of Complainant’s website, which supports a finding of bad faith.”

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been 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 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Complainant has produced sufficient evidence to demonstrate that it has rights in the trademark SHIFTKEY in several countries.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the SHIFTKEY trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant’s trademark SHIFTKEY; (b) followed by the letter “s” (c) followed by the gTLD “.blog”.

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: “shiftkeys”.

The entirety of the mark is recognizable 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.

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 Disputed 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 Disputed 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 Panel finds that there is no indication that the Respondent was commonly known by the term “Shiftkey” prior to registration of the Disputed Domain Name. The Complainant has not licensed, permitted, or authorized the Respondent to use the trademark SHIFTKEY. The Panel also notes that the composition of the Disputed Domain Name carries a risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1).

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 Panel notes the evidence that the Disputed Domain Name previously resolved to an “the login interface used by Respondent is identical to the interface used by Complainant on its [own] website” (the “Shiftkey User Interface”), and finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the capacity to mislead Internet users.

The Panel also notes the evidence that the Disputed Domain Name currently resolves to an inactive webpage, which supports the Complainant’s submissions on this point, and finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the substantial reputation and goodwill of the Complainant’s mark or capacity to otherwise mislead Internet users.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, this Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant’s widely-known trademark. [WIPO Overview 3.0](#), section 3.1.4.

Further, a gap of several years between registration of a complainant’s trademark and respondent’s registration of a disputed domain name (containing the trademark) may indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Name some nine years after the Complainant established registered trademark rights in the SHIFTKEY mark.

On the issue of use, the Disputed Domain Name does not currently resolve to an active website.

Panels have found that the non-use of a domain name 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 Complainant's widely-known trademark, and the composition of the Disputed Domain Name and finds that in the circumstances of this case the passive holding of that Disputed Domain Name does not prevent a finding of bad faith under the Policy.

The Complainant's evidence is also that the Disputed Domain Name resolved, for a period of time, to an exact copy of the Complainant's "Shiftkey User Interface" that displayed the Complainant's trademark and the same visual elements. Targeting of this nature is a common example of bad faith as referred to in paragraph 4(b)(iv) of the Policy and identified in many previous UDRP decisions. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. There is also evidence that the Respondent provided false contact details to shield its identity when registering the Disputed Domain Name. Previous Administrative Panel decisions have found that providing false information for the WhoIs database to shield a registrant's identity is clear evidence of the Respondent's knowledge of the Complainant's rights at the time of registration and can support an inference of bad faith. [WIPO Overview 3.0](#), section 3.2.1. 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 also observes that the Respondent appears to have been the unsuccessful respondent in several other UDRP proceedings. See, e.g., *CVS Pharmacy, Inc. ("CVS") v. John Deecon, TrafficDomains INC.*, WIPO Case No. [D2025-0282](#); *LEGO Holding A/S v. John Deecon, TrafficDomains INC*, WIPO Case No. [D2025-0497](#); *Carrefour SA v. John Deecon, TrafficDomains INC*, WIPO Case No. [D2025-1240](#); *Carrefour SA v. John Deecon, TrafficDomains INC*, WIPO Case No. [D2025-1511](#); and *Homeaway.com, Inc. v. John Deecon, TrafficDomains INC*, WIPO Case No. [D2025-2211](#). The Panel therefore finds that that the Respondent is a serial offender who deliberately targeted the Complainant and is engaged in a pattern of bad faith conduct that further supports a finding of bad faith against the Respondent (See [WIPO Overview 3.0](#), section 3.1.2).

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 <shiftkeys.blog> be transferred to the Complainant.

*/Nicholas Weston/*

**Nicholas Weston**

Sole Panelist

Date: October 2, 2025