

## **ADMINISTRATIVE PANEL DECISION**

K&J Consulting v. Gabriel Donatien

Case No. D2025-4425

### **1. The Parties**

The Complainant is K&J Consulting, France, represented by K&J Consulting, India.

The Respondent is Gabriel Donatien, France.

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

The disputed domain name <checkmyguest.org> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2025. On October 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Center sent two reminders on November 10, 2025, and November 14, 2025. The Complainant did not file an amendment.

The Center verified that 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 November 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 7, 2025. The Respondent requested an extension on December 4, 2025, which was granted. The Respondent submitted the response on December 7, 2025.

The Center appointed Fabrice Bircker as the sole panelist in this matter on December 19, 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**

According to undisputed elements provided by the Complainant, K&J Consulting is a French company incorporated in 2018 that notably operates an online platform named “Checkmyguest” and providing accommodation services for short-and-mid-stays.

The Complainant’s activities are notably protected through the following trademark registration:

CHECKMYGUEST, European Union trademark registration No. 018975249 filed on January 17, 2024, registered on May 10, 2024, claiming the seniority of the French Trademark registration No. 4311975 of November 3, 2016, and designating services of classes 35, 36, 37, 39 and 43.

The Complainant’s platform is available through the <checkmyguest.fr> domain name which was registered on October 11, 2016.

The disputed domain name <checkmyguest.org> was registered on June 9, 2024.

At the time of filing the Complaint, it resolved to a website entitled “checkmyguest” “Passez un séjour de rêve”, purportedly offering accommodations for rent, and displaying press articles and clips from TV programs featuring the Complainant.

When drafting this decision, the disputed domain name<sup>1</sup>:

- first resolved to the domain name <checkmyguest.io> (registered on November 6, 2025, by an undisclosed registrant), which hosted a content nearly identical to that described above,
- subsequently, it has redirected to the domain name <checkmyguest.net> (registered on December 29, 2025, by an undisclosed registrant), featuring comparable content.

As far as the Respondent is concerned, according to the information provided by the Registrar, he is located in France. However, in his Response, the Respondent indicates being located in Ukraine.

According to his contentions, the Respondent is active in the field of web development and recreates websites from the ground up for training purposes only.

#### **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.

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<sup>1</sup> It is well accepted that the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, enable a panel to undertake limited factual research into matters of public record if it considers such information useful to assessing the case merits and reaching a decision. ([WIPO Overview 3.0](#), section 4.8). This may include visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name, consulting historical resources such as the Internet Archive ([www.archive.org](http://www.archive.org)) in order to obtain an indication of how a domain name may have been used in the relevant past, reviewing dictionaries or encyclopedias (e.g., Wikipedia), or accessing trademark registration databases.

Notably, the Complainant contends that the disputed domain name is identical to its trademark.

Besides, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name, in substance because:

- it has never authorized, licensed, or otherwise permitted the Respondent to use the CHECKMYGUEST trademark or to register any domain name incorporating said trademark,
- there is no evidence that the Respondent would be commonly known by the disputed domain name,
- the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services; on the contrary he has copied the Complainant's entire business model, website design, and user interface. As a consequence, the Respondent is impersonating the Complainant, and the website under the disputed domain name is misleading Internet users into believing that it is owned by, operated by, or affiliated with the Complainant,
- as the Complainant's CHECKMYGUEST prior trademark has acquired considerable goodwill and reputation, the use of an identical sign combined with a copied website design demonstrates that the Respondent's intent is to deceive consumers,
- the Respondent is not making legitimate noncommercial or fair use of the disputed domain name as he is operating a commercial website, offering short-term and mid-term vacation rental accommodation services and property management services.

Finally, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, notably because:

- the Respondent registered the disputed domain name with actual knowledge of the Complainant's prior trademark as its first registration date back to 2016 and as the Complainant has operated its business under the CHECKMYGUEST mark since 2016,
- the Respondent's registration in 2024 of a domain name that is identical to the Complainant's distinctive trademark, followed by the deliberate replication of the Complainant's entire website design, user interface, and business model, establishes that the Respondent was fully aware of the Complainant's rights when registering the disputed domain name,
- the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's CHECKMYGUEST trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, as the website under the disputed domain name reproduces the Complainant's website design, layout, user interface and replicates the Complainant's business model and services,
- the Complainant has received inquiries/complaints from confused users who believed they were dealing with the Complainant's official website,
- the Respondent registered the disputed domain name primarily for the purpose of disrupting the Complainant's business, by operating a competing service under an identical name and with an identical website design,
- the use by the Respondent of a privacy registration service to conceal his identity and his failure to respond to the cease-and-desist letter sent by the Complainant through the Registrar constitute further evidence of his bad faith,

- given all the above-mentioned circumstances of this case, there is no conceivable good faith reason for the Respondent to have registered and used the disputed domain name, all the more that the Respondent could have chosen any other name for his competing business.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

According to the Respondent, the Complainant has manipulated information in his detriment, and his website does not affect the Complainant which has introduced the Complaint as an attempt to take the disputed domain name.

The Respondent claims that the “website [under the disputed domain name] exists because we do web development, we recreate websites from the ground up to put for training purposes only, we have bough[t] the domain of checkmyguest.org as this website has been built by us. Our website has no traffic and does not have any payment method available, all of the rooms are easily findable on Airbnb using Google Reverse Search, there is not a single property listed that is owned/managed/live on their website apart from the logo which was not used in a commercial way but for training purposes. There isn’t any payment gateway live in the website, the main checkout page is a sample page where you can enter random numbers and it will still say “Loading”. No revenue has been generated with this website, there isn’t even clients because the website is poorly indexed.

This is the main reason why we conclude that [the Complainant] is doing this as a stunt to take our domain for “free” instead of giving us a proposal that we’d likely accept.”

Then, the Respondent contends that “the proof submitted by [the Complainant] is misleading and bad faith. Non-related screenshots. They showed a screenshot of a user complaining about an “overbooking” which can only happen if they have booked through official platforms, so it was easy for us to deduct that this was a random review and doesn’t constitute proof.”

Besides, according to the Respondent, the Complainant has historically bad reviews since 2021 and that is not related to the disputed domain name as it was registered in 2024.

Finally, the Respondent argues that the press article provided by the Complainant and concerning fraudsters using fake websites for fraudulent apartment rentals, is unrelated to the disputed domain name.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue – Identity of the Respondent**

The named Respondent in the Complaint is “John Doe”.

It results from the Registrar verification procedure that the underlying Registrant is an individual located in France.

Besides, although the Center notified this information to the Complainant, the latter did not amend the Complaint accordingly despite two reminders.

This situation raises the question of the determination of the Respondent’s identity.

Paragraph 1 of the UDRP Rules defines the respondent as “the holder of a domain name registration against which a complaint is initiated.”

In the present case, the Complaint does not name the correct holder of the disputed domain name. However, it is a well-known fact that “John Doe” is a placeholder name used in English-speaking countries when the true identity of a person is unknown.

As a consequence, this Panel finds that by using “John Doe” the Complainant intended to designate the registrant of the disputed domain name using the privacy service.

Besides, “noting the definition of “respondent” in the UDRP Rules, where underlying registrant information is disclosed/provided to the complainant, the complainant chooses not to amend its complaint, and instead to retain the Whols-listed registrant as the named respondent, the Center would not normally treat this as a complaint deficiency” ([WIPO Overview 3.0](#), section 4.4.1.)

Furthermore, “in all cases involving a privacy or proxy service and irrespective of the disclosure of any underlying registrant, the appointed panel retains discretion to determine the respondent against which the case should proceed.” ([WIPO Overview 3.0](#), section 4.4.1.)

In the present case, this Panel has serious doubts about the accuracy of the identity and contact details of the underlying Registrant as provided by the Registrar further to the Registrar verification procedure, namely an individual located in France.

Indeed, the Panel notes that:

- in his Response, the Respondent has indicated to be located in Ukraine,
- when registering the disputed domain name, the Respondent provided the Registrar with a phone number whose area code matches neither that of France nor that of Ukraine,
- it results from the case file that the courier service did not succeed in delivering the Written Notice of the Complaint to the French postal address communicated by the Respondent to the Registrar when registering the disputed domain name.

However, in these circumstances, this Panel finds appropriate to accept the Complaint as filed, and finds that the registrant of the disputed domain name, as confirmed by the Registrar, shall be the Respondent for the purposes of this proceeding.

## **6.2 Substantive Issues**

### **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.

In Annex 2 of the Complaint, 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 entirety of the CHECKMYGUEST mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Indeed, the applicable Top Level Domain (“TLD”) in a domain name (here “.org”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [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.

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.

Indeed, the Complainant contends that it has not given its consent to the Respondent to use its trademarks in a domain name registration or in any other manner.

In addition, there is nothing in the record of the case likely to indicate that the Respondent may be commonly known by the disputed domain name.

Besides, according to the Respondent, his use of the disputed domain name would have been made without intent for commercial because the related website:

- has been built for training purposes only,
- has not generated traffic,
- does not enable to proceed with genuine payment and therefore has not generated any revenue.

However, it results from the case file that the disputed domain name resolves to a website:

- which reproduces the Complainant’s prior trademark
- purportedly offering accommodations for rent, that is to say identical services to those for which the Complainant’s trademark is used,
- displaying articles and clips from TV programs featuring the Complainant.

As a consequence, such use necessarily misleadingly diverts and deceives consumers as to the origin of the website under the disputed domain name.

Indeed, not only does the disputed domain name *per se* carry a high risk of implied affiliation with the Complainant’s trademark insofar as it consists in its mere reproduction, but the website to which it directs is also liable to impersonate the Complainant or to suggest sponsorship or endorsement by the latter.

Furthermore, even if the website under the disputed domain name would actually not allow Internet users to rent appartement because payments could not be processed, this would nevertheless confuse Internet users who may believe that the Complainant’s website is malfunctioning, thereby depriving the Complainant of the possibility to effectively offer its services.

In any case, this Panel does not find any legitimate reasons for a provider of training services, be they free or offered for commercial gain, to register and use, without authorization from the trademark holder, a domain

name identical to a third-party trademark to direct toward a publicly-available website liable to impersonate the trademark holder and showcasing identical services to those offered under the reproduced trademark, regardless of whether these alleged services are actually provided.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

First of all, this Panel notes that though the Complainant's arguments appear grounded on legal reasonings, most of its arguments are deprived of any relevant supporting evidence.

In particular, the Complainant contends that:

- it is operating its business since 2016; however no evidence was submitted to support this contention,
- its business enjoys a goodwill and a reputation, yet it did not provide any documentation in this respect,
- the website under the disputed domain name consists in a "deliberate replication of the Complainant's entire website design, user interface, and business model". Nevertheless, not the least screenshot of the Complainant own website nor any documentation comparing both websites has been communicated,
- it "received inquiries/complaints from confused users who believed they were dealing with the Complainant's official website" when visiting the website under the disputed domain name. This assertion is allegedly supported by a press article and by extracts from a review website. However, these documents lack probative value. Indeed, the press article dealing with a fraudulent website imitating the Complainant's platform makes no mention of the disputed domain name. Similarly, nothing in the communicated reviews of alleged confused Internet users allows the Panel to conclude that they relate with the website under the disputed domain name.

Moreover, the Complainant also argues that the absence of response from the Respondent to the cease-and-desist letter sent to the Registrar would evidence his bad faith. However, it appears that the Complainant actually sent to the Registrar a takedown notice which did not require a reply from the Respondent.

It is constant that complaints alleging the types of conduct described in UDRP paragraph 4(b) should be supported by arguments and available evidence such as dated screenshots of the website to which the disputed domain name resolves or correspondence between the parties. Even in cases of respondent default, panels have held that wholly unsupported conclusory allegations may not be sufficient to support a complainant's case. [WIPO Overview 3.0](#), section 3.1.

This being said, "the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence"; some panels have also expressed this as an "on balance" standard. Under this standard, a party should demonstrate to a panel's satisfaction that it is more likely than not that a claimed fact is true. While conclusory statements unsupported by evidence will normally be insufficient to prove a party's case, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent." [WIPO Overview 3.0](#), section 4.2.

Furthermore, 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 this context, the Panel notes that the disputed domain name is identical to the prior Complainant's trademark.

Besides, after having visited the websites under the disputed domain name and the Complainant's website<sup>1</sup>, the Panel finds that:

- the disputed domain name resolves to a website purportedly offering accommodations for rent, that is to say identical services to those for which the Complainant's trademark is used,
- the website under the disputed domain name displays articles and clips from TV programs featuring the Complainant.

It necessarily results from these elements that the Respondent could reasonably not have been unaware of the Complainant's trademark when registering the disputed domain name.

Besides, as mentioned in section 6.B. above, although the website under the disputed domain name is not functional as contended by the Respondent, it is nevertheless liable to impersonate the Complainant or to suggest sponsorship or endorsement by the latter, and therefore to misleadingly divert Internet users.

Further, this Panel finds that i) the subsequent redirections of the disputed domain name towards domain names identically reproducing the Complainant's trademark and registered during the course of this procedure, and ii) the inconsistency in the Respondent's identity and contact details, constitute further evidence of bad faith.

This establishes bad faith use.

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 <checkmyguest.org> be transferred to the Complainant.

*/Fabrice Bircker/*

**Fabrice Bircker**

Sole Panelist

Date: January 2, 2026