

ADMINISTRATIVE PANEL DECISION

Educational Testing Service v. drew tenski
Case No. D2025-4599

1. The Parties

The Complainant is Educational Testing Service, United States of America ("United States"), represented by Cantor Colburn LLP, United States.

The Respondent is drew tenski, Germany.

2. The Domain Name and Registrar

The disputed domain name <ets-org.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 November 6, 2025. On November 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 (REDACTED FOR PRIVACY, Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 10, 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 November 15, 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 November 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 9, 2025.

The Center appointed Halvor Manshaus as the sole panelist in this matter on December 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.

4. Factual Background

The Complainant is one of the largest private educational testing and measurement organizations, founded in 1947. The Complainant operates in several jurisdictions across the world, and develops, administers, and scores more than 50 million tests each year in more than 180 countries at more than 9000 locations.

The Complainant owns several registered trademarks worldwide for marks containing or consisting of ETS, including:

- The United States trademark registration number 1166461, registered on August 25, 1981;

The United States trademark registration number 1592803, registered on April 24, 1990;

- The United States trademark registration number 558879, registered on May 13, 1952; and
- The French trademark registration number 1255077, filed on December 23, 1983.

Further, the Complainant also holds the domain names <ets.org>, registered on October 10, 1994 and <etsglobal.org>, registered on July 23, 2001.

The disputed domain name was registered on October 24, 2025. The disputed domain name resolves to a landing page displaying search advertisements and text such as “Practice Tests” and “Exam Practice”.

Further, the disputed domain name has been used to send phishing emails to the Complainant’s customers. On October 26, 2025, the disputed domain name was used to send an email to one of the Complainant’s customers instructing the recipient to disregard a prior invoice and use a revised invoice with updated banking details.

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 is confusingly similar to the Complainant’s registered trademarks. The disputed domain name incorporates the Complainant’s trademark in its entirety, merely adding the term “org”. Further, the Complainant argues that notwithstanding the addition of the term “org”, the disputed domain name is confusingly similar or identical to the Complainant’s domain names. In particular, the Complainant asserts that the disputed domain name constitutes typosquatting, as it closely mimics the Complainant’s legitimate domain name <ets.org> by the addition of a hyphen and the term “org”. The disputed domain name has been used to contact its customers through phishing emails, with the intent to mislead and deceive recipients.

The Complainant asserts that the Respondent has no rights or legitimate interest in the disputed domain name. Firstly, the Respondent cannot claim any rights to the disputed domain name that are superior to the Complainant’s rights in its trademarks, nor is there any relationship between the parties that would give rise to any license, permission or authorization to use the disputed domain name. The Respondent is not

commonly known by the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of it. The disputed domain name does not resolve to an active website and has instead been used to send phishing emails to customers of the Complainant, which cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Lastly, the Complainant argues that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that the Respondent registered the disputed domain name with knowledge of the Complainant's well-known trademarks and with the intent to disrupt the Complainant's business and impersonate the Complainant for fraudulent purposes. The Complainant contends that the Respondent had actual knowledge of the Complainant's trademark rights and intentionally registered a domain name incorporating the Complainant's trademark in its entirety. The Complainant further asserts that the disputed domain name has been used to send phishing emails to the Complainant's customers, demonstrating an intent to impersonate the Complainant and to attract Internet users by creating a likelihood of confusion for commercial gain.

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

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

The Panel further notes that the disputed domain name does not resolve to an active website and has instead been used in connection with phishing emails sent to the Complainant's customers.

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

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.

In the present case, the Panel notes that the disputed domain name incorporates the Complainant's well-known trademark in its entirety, and that the Complainant's registration of its trademark predates the registration of the disputed domain name. The Panel therefore finds it unlikely that the Respondent was unaware of the Complainant's right to the trademark at the time of registering the disputed domain name.

Therefore, the Panel concludes that the Respondent had or should have had knowledge of the Complainant's trademark registrations.

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.

Panels have held that the use of a domain name for illegitimate activity here, *phishing and 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 further notes that the disputed domain name has been used to send phishing emails to the Complainant's customers, impersonating the Complainant for fraudulent purposes. Such conduct demonstrates that the Respondent has intentionally attempted to attract Internet users, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark. Further, the Panel notes that the disputed domain name closely resembles the Complainant's legitimate domain name <ets.org>, reinforcing the likelihood of confusion.

As such, 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 <ets-org.org> be transferred to the Complainant.

/Halvor Manshaus/

Halvor Manshaus

Sole Panelist

Date: December 25, 2025