

## **ADMINISTRATIVE PANEL DECISION**

ACT Education Corp. v. Jack Mi  
Case No. D2025-4791

### **1. The Parties**

The Complainant is ACT Education Corp., United States of America (“United States”), represented by Corsearch, United States.

The Respondent is Jack Mi, Canada.

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

The disputed domain name <actexam.net> 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 19, 2025. On November 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 20, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 20, 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 20, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 17, 2025.

The Center appointed Gonalo M. C. Da Cunha Ferreira as the sole panelist in this matter on December 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**

The Complainant, ACT Education Corp., is a United States-based organization active in educational assessment and testing services. Founded in 1959, the Complainant is widely known for the ACT standardized test, which is used for college admissions in the United States and internationally, and offers related assessment, research, and educational services.

The Complainant is the owner of registered trademark rights in the mark ACT, including, inter alia:

- United States Trademark Registration No. 2888069, registered on September 28, 2004;
- European Union Trademark Registration No. 003787496, registered on July 23, 2007;

The disputed domain name <actexam.net> was registered on December 1, 2021.

According to the record, prior to the filing of the Complaint, the disputed domain name redirected Internet users to a website branded as "ACTExam", offering purported ACT practice tests and past examination papers for download.

There is no evidence of any relationship between the Parties or any authorization, license, or other permission granted by the Complainant to the Respondent to use the ACT trademark.

#### **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:

1. the Complainant is the owner of trademark registrations for the mark ACT, including registrations in the United States and the European Union.
2. the disputed domain name <actexam.net> incorporates the ACT mark in its entirety, together with the descriptive term "exam".
3. these changes are insufficient to distinguish the disputed domain name from the Complainant's mark.
4. the prior content associated with the disputed domain name included references to ACT practice tests and ACT examination materials.
5. the Respondent is not affiliated with the Complainant.
6. the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the ACT mark.
7. the Respondent is not commonly known by the disputed domain name.
8. the disputed domain name was used to offer unauthorized ACT-related examination materials in a manner suggesting affiliation with the Complainant.
9. such use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.
10. the disputed domain name was registered after the Complainant had established trademark rights in the ACT mark.

11. the Respondent registered the disputed domain name with knowledge of the Complainant's ACT trademark.
12. the disputed domain name was used to intentionally to attract Internet users by creating a likelihood of confusion with the Complainant's trademark.
13. the current inactive use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this case.

## **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 Complainant's ACT trademark is recognizable in the disputed domain name, notwithstanding the addition of the term "exam". Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity.

The generic Top-Level Domain ".net" is disregarded for the purposes of the confusing similarity test.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

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 finds that offering unauthorized ACT-related examination materials in a manner suggesting affiliation with the Complainant, does not confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), sections 2.5.1 and 2.8.1.

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, which, 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 has used the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's trademark.

The disputed domain name was registered after the Complainant had established trademark rights in the ACT trademark.

The composition of the disputed domain name, combining the Complainant's ACT trademark with the descriptive term "exam", supports the inference that the Respondent was aware of the Complainant and its trademark at the time of registration. [WIPO Overview 3.0](#), section 3.2.2.

Such conduct falls within paragraph 4(b)(iv) of the Policy.

Panels have consistently found that the registration of a domain name incorporating a complainant's trademark together with a descriptive term closely associated with the complainant's field of activity, and its use to offer related content, constitutes bad faith, including in cases involving the same ACT trademark. See *ACT, Inc. v. Privacy Service Provided by Withheld for Privacy ehf / Jack Mi*, WIPO Case No. [D2022-1642](#).

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute 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 <actexam.net> be transferred to the Complainant.

*/Gonçalo M. C. Da Cunha Ferreira/*

**Gonçalo M. C. Da Cunha Ferreira**

Sole Panelist

Date: January 9, 2026