

ADMINISTRATIVE PANEL DECISION

The Marketing Store Worldwide L.P. v. Jia Ke Yingrth
Case No. D2025-5082

1. The Parties

The Complainant is The Marketing Store Worldwide L.P., United States of America, represented by Neal, Gerber & Eisenberg LLP, United States of America.

The Respondent is Jia Ke Yingrth, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <tmsgh.app>, <tmsgh.com>, <tmsjob.app>, <tmsjob.cloud>, <tmsjob.link>, <tmsjob.tv>, and <tmsjob.vip> are registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 7, 2025. On December 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Dominet (HK) Limited d/b/a, Alibaba.com Singapore E-Commerce Private Ltd.) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 12, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 16, 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 December 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 14, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on January 19, 2026. 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 information in the Complaint, the Complainant is a world leading marketing, product sourcing, and interactive technology brand solutions agency. It provides long-term marketing platforms and strategies for some of the world's most well-known and influential brands, including McDonald's, Coca-Cola, Samsung, adidas, T-Mobile, and Starbucks.

The Complainant is the owner of national and international trademark registrations worldwide for TMS (word and figurative mark), including the Chinese Trademark Registration No. 70148536 for TMS (stylized), filed on March 13, 2023, and registered on May 14, 2024, in class 42. The Complainant has registered the domain name <tmsw.com> which it uses as its official website.

The disputed domain names were registered on May 13, 2025 and they do not resolve to active websites. According to evidence with the Complaint, the disputed domain names were used to resolve to identical websites prominently displaying the Complainant's figurative TMS mark and asking for personal log-in data. Also, it is claimed that the disputed domain names were used in social media posts to promote "paid to watch videos" employment opportunities, displaying the Complainant's trademark and logo.

There is no information known about the Respondent apart from the details as they appear on the Whois record.

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 names.

Notably, the Complainant contends that the disputed domain names are identical to or confusingly similar to its TMS trademark, because the disputed domain names consist entirely of the TMS trademark and the descriptive term "job", or the geographic term "gh". The use of a registered trademark along with a generic or geographic term does not avoid the likelihood of confusion.

With respect to the second element, the Complainant argues that the Respondent has no legal relationship with the Complainant through which the Respondent could claim any rights to the disputed domain names, nor has the Complainant consented to the Respondent's registration of the disputed domain names. Further, the Complainant argues that the websites at the disputed domain names purported to be official websites of the Complainant, prominently included the TMS trademark and logo to impersonate the Complainant and also included fields for users to input their phone number and passwords to log in or register an account with the sites. The Complainant further argues that the Respondent is using the websites at the disputed domain names to carry out a scam that preys on unsuspecting individuals in Ghana. These individuals are led to believe that they are transacting with the Complainant so that they will feel comfortable providing sensitive personal information and monetary "deposits", which are then never returned to the victims. The Respondent also uses the Complainant's TMS logo in social media advertisements to promote fraudulent "paid to watch videos" employment opportunities. These ads promise salary ranges that purportedly depend on users' initial deposits. After having been informed of the above-mentioned use, the Complainant

contacted the Registrar and host of the disputed domain names and requested them to be suspended. Shortly thereafter, the disputed domain names were disabled by the host.

As regards the third element, the Complainant submits that given the renown of its TMS trademark and trade name, it is implausible that the Respondent innocently registered the disputed domain names without a design to exploit their similarity to the TMS trade name and trademark. The Respondent's use of the disputed domain names to host its egregiously fraudulent scam, the Respondent's use of a proxy service, and the Respondent's use of fake contact information to register the disputed domain names is a further indicator of the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names, and (iii) the disputed domain names have been registered and are being used in bad faith.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

A. Identical or Confusingly Similar

Under paragraph 4(a)(i) of the Policy, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to that trademark. This first element under the Policy functions primarily as a standing requirement. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trademark TMS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

As regards the second limb of the first element, the test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7. It is well established that the Top-Level Domain may be ignored when assessing the confusing similarity between the disputed domain name and the Complainant's trademarks as they are viewed as a standard registration requirement. See section 1.11.1 of the [WIPO Overview 3.0](#).

The entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are 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, “gh”, and “job”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

There is no evidence that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names. Rather, according to the unrebutted evidence put forward by the Complainant, the Respondent used the disputed domain names to resolve to websites asking for personal data for log-in, such as telephone number and password, and they are also claimed to appear in social media posts that used the Complainant’s registered trademark and its logo to promote what appears to be a fraudulent employment scheme. The websites and the above-mentioned posts displayed the Complainant’s TMS mark and logo with the same graphic representation as the Complainant is using on its main website and social media accounts, thereby suggesting affiliation or endorsement. Under these circumstances, the Respondent’s websites cannot be considered a bona fide offering of goods or services under the Policy, as they intentionally create confusion with the Complainant, its trademarks, and business. See section 2.13 of the [WIPO Overview 3.0](#).

The Panel also takes into account the Complainant’s allegations that the disputed domain names may be used for phishing or other type of fraud, in view of the Respondent’s websites inviting Internet users to register, which most likely involves introducing personal data.

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

Also, there is no evidence that the Respondent is commonly known by the disputed domain names. The Panel notes that the Respondent's name, as provided in the Registrar verification, does not correspond to any of the terms in the disputed domain names.

By not replying to the Complainant's contentions, the Respondent has failed to invoke any circumstances which could demonstrate any rights or legitimate interests in the disputed domain names. Accordingly, the Panel gives prevalence to the Complainant's affirmation that it has not granted the Respondent any license to use the disputed domain names.

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.

The disputed domain names were registered years after the Complainant obtained registration of its TMS trademarks. The disputed domain names are confusingly similar to the Complainant's trademarks and they were used to resolve to websites or in social media posts that used the Complainant's registered trademark and logo. Under these circumstances, it is most likely that the Respondent was aware of the Complainant's trademark at the registration of the disputed domain names and sought to take advantage of it.

As regards the use, according to the unrebutted evidence submitted by the Complainant, the Respondent used the disputed domain names as described in section 6B above. Such unrebutted evidence, the content of the Respondent's websites and social media posts, which intentionally generates confusion and targets the Complainant and its trademarks for commercial gain, the complete absence of any information about the lack of relationship with the Complainant and its trademark, together with the other circumstances of this case, indicate the registration and use in bad faith of the disputed domain names. Panels have held that the use of a domain name for illegitimate or unlawful activities, including claimed impersonation or passing off, phishing, or other type of fraud constitutes bad faith under the Policy. [WIPO Overview 3.0](#), sections 3.4.

Therefore, having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitute bad faith under the Policy.

The current non-use of the disputed domain names does not prevent a finding of bad faith in the circumstances of the case. UDRP panels have established that the non-use of a domain name (including a blank or "coming soon" page) does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the Panel notes the extensive use of the Complainant's trademark, the composition of the disputed domain names, and all other factors indicating bad faith. In these circumstances, the current passive holding of the disputed domain names does not preclude a finding of 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 names <tmsgh.app>, <tmsgh.com>, <tmsjob.app>, <tmsjob.cloud>, <tmsjob.link>, <tmsjob.tv>, and <tmsjob.vip> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: January 26, 2026