

ADMINISTRATIVE PANEL DECISION

Carfax Commerce Inc. v. Matvey Furash

Case No. D2026-0627

1. The Parties

The Complainant is Carfax Commerce Inc., Seychelles, represented by IPAKS GROUP, LLC, Russian Federation.

The Respondent is Matvey Furash, Georgia, represented by ESQwire.com PC, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <accs-market.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2026. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (BS EUROPE OÜ) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 2026, 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 February 25, 2026.

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 February 26, 2026. In accordance with the Rules, paragraph 5, the original due date for Response was March 18, 2026. At the request of the Respondent, the due date for Response was extended to March 22, 2026, in accordance with paragraph 5(b) of the Rules. The Response was filed with the Center on March 22, 2026. On March 23, 2026, the Complainant made an unsolicited supplemental filing.

The Center appointed Matthew Kennedy, Olga Zalomiy and Jeffrey Neuman as panelists in this matter on April 21, 2026. The Panel finds that it was properly constituted. Each member of 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 was incorporated on June 1, 2023 in the Seychelles. It holds the following trademark registrations for ACCSMARKET:

- International trademark registration number 1845655, registered on February 11, 2025; and
- Russian Federation trademark registration number 1145263, registered on September 1, 2025 (application filed on December 6, 2024).

The above trademark registrations both specify services in classes 42 and 45 and are current. At the date when the Complaint was filed, the Complainant's application for United States trademark registration number 8164056 for ACCSMARKET was still pending; it subsequently issued on March 10, 2026. Pursuant to an agreement dated January 14, 2025, the Complainant acquired the domain name <accsmarket.com> from Mr. Savin, who registered it on July 20, 2017, pursuant to a marketing services agreement dated July 15, 2017, with Mr. Ekimov. Both were residents of the Russian Federation. The domain name <accsmarket.com> now resolves to a website in English and Russian displaying a banner that reads "AccsMarket – Accounts store" and offering social media accounts for sale.

The Respondent is the owner of a company named Metaswap LP (UK). He has operated a website in Russian in connection with the domain name <trade-groups.ru> for trading social media groups, pages, and channels under the name "Trade Groups" since 2014. He operated a similar website in English in connection with the disputed domain name from 2019.

The disputed domain name was registered on March 1, 2019. According to evidence presented by the Complainant, it formerly resolved to a website in English displaying the disputed domain name as its title and "Quick & Secure social media marketplace" as its subtitle, where sellers can list for sale YouTube channels, social media pages, and groups with established audiences. At the time of this Decision, the disputed domain name redirects to the domain name <dealbaron.com>, which resolves to the same website but with that domain name as the title and the words "Previously accs-market.com" added to the subtitle.

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 until January 14, 2025, it operated a website hosted at the domain name <accsmarket.com>, managed by Mr. Savin, a company employee. The Complainant's operations using that domain name began on July 15, 2017. That domain name itself was registered on behalf of Mr. Ekimov in the name of Mr. Savin, who is affiliated with the Complainant. The Complainant discovered that traffic to its website had dropped due to the presence of the disputed domain name, as consumers were confusing the two Internet services. The disputed domain name was registered two years later than the Complainant's domain name. The Respondent's activities conducted through the disputed domain name are identical to the Complainant's activities conducted through its domain name. When registering the disputed domain name, the Respondent could not have been unaware that the domain name <accsmarket.com> was already taken and belonged to the Complainant. The addition of a hyphen does not create a qualitatively new, original name. The Respondent's duplicate website has the sole purpose of intercepting traffic and exploiting the well-known and respected reputation of the Complainant's service. According to the Complainant, website analytical data shows that organic traffic predominates on its website while paid traffic predominates on the Respondent's website. Registration of a domain name before the Complainant acquires trademark rights in a name does not prevent a finding of identity or confusing similarity under the Policy. The disputed domain name and the ACCSMARKET mark are identical and confusingly similar.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name links to a website displaying the Complainant's trademark. This use indicates the Respondent's intent to redirect Internet traffic to its own website, misleadingly misrepresenting the relationship between its website and the Complainant, which cannot be considered a bona fide offering of goods or services or legitimate non-commercial or fair use. There is no evidence that the Respondent is widely known by the disputed domain name. On the contrary, the entire goodwill of this name belongs to the Complainant, who has been using the domain name <accsmarket.com> since 2017. The Complainant operates worldwide and maintains optimal registration geography for both the Russian and international Internet segments. The Complainant has earned a reputation as a stable and reliable partner, as evidenced by positive reviews on specialized fora. The number of referring websites for the Complainant's website is several times higher than the number of referring websites for the Respondent's website. The Respondent could have entered the international market by registering a domain using its own Trade Groups brand but instead deliberately registered a domain name identical to the Complainant's domain name. The Respondent's use of the disputed domain name to provide identical services in the same field of economic activity as the Complainant cannot be considered bona fide. The Complainant cites negative customer reviews of the Respondent's site, which constitutes parasitic use and precludes any legitimate interest.

The disputed domain name was registered and is being used in bad faith. Although the disputed domain name was registered prior to the official registration of the ACCSMARKET trademark, it was registered well after the Complainant began actively using its primary domain name <accsmarket.com>. At the time of registration of the disputed domain name, the Complainant already had significant reputation and recognition in its field of activity. The fact that the Respondent chose an identical name, adding only a hyphen, proves that it knowingly targeted the Complainant's business. The disputed domain name links to a website displaying the Complainant's trademark. Such use indicates the Respondent's intent to redirect Internet traffic to its own website, misleadingly and misrepresenting the relationship between its website and the Complainant. According to paragraph 4(b)(iv) of the Policy, bad faith is demonstrated by using a domain name intentionally to attract users for commercial gain by creating a likelihood of confusion. The Complainant cites evidence of consumer complaints regarding misleading websites. Several prior UDRP panels have interpreted the statement in paragraph 2(d) of the Policy, made on registration and renewal of a domain name, as an ongoing warranty that the domain name will not be used in bad faith. See *Octogen Pharmacal Company, Inc. v. Domains By Proxy, Inc. / Rich Sanders and Octogen e-Solutions*, WIPO Case No. [D2009-0786](#). The registration and use of the disputed domain name disrupt the Complainant's business by diverting Internet traffic from the Complainant's website to the Respondent's website.

B. Respondent

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

According to the Respondent, the Complainant sells bulk social media accounts, operating under the highly descriptive or generic name “Accs Market”, which is understood in the industry to mean accounts market, i.e., a site where parties can purchase (social media) accounts. In Russian, “акк” (akk) is an extremely common abbreviation for “аккаунт” (account). The Respondent also uses the abbreviation “accs” and the word “market” in a purely descriptive or generic sense to showcase his own legitimate business, which is an actual marketplace where creators and owners list individual accounts for sale. These are different business models. Further, the Complainant’s site primarily serves the Russian-speaking market while the Respondent’s site exclusively serves the English-speaking international market. The Respondent’s core product category (YouTube channels) does not exist on the Complainant’s site. The Respondent argues that negative consumer reviews of the Complainant’s service have been wrongly associated with his platform. The Respondent is migrating to the domain name <dealbaron.com>.

The Respondent contends that the Complainant does not have enforceable rights to a trademark identical or confusingly similar to the disputed domain name. Although the Complainant obtained a Russian trademark registration for ACCS MARKET, the mark does not actually function as a brand identifier because it designates the exact service that the Complainant and many competitors provide – a (social media) accounts marketplace. The public and competitors use “acc” and “accs” to mean “account(s)” when searching for and listing on various platforms – this is textbook generic use to refer to any and all social media accounts for sale. The Policy is not designed to preclude use of generic or descriptive terms, when they are used in their purely descriptive or generic sense.

The Respondent has rights and a legitimate interest in the disputed domain name. The registration of generic or highly descriptive domain names ipso facto establishes the Respondent’s legitimate interest, provided the disputed domain name was not registered with a trademark in mind. In cases such as these, where a domain name consists of generic words or descriptive industry terms (in this case a known abbreviation for “accounts”), the dispositive factor is whether a respondent registered and is using a domain name to describe his product/business or to profit from the generic value of the word without intending to take advantage of a complainant’s rights in that word. Here, the Complainant knows it does not have exclusive rights to use the generic term “accs market”. It did not have a registered trademark until January 2025, and its own use of the term hardly demonstrates recognized common law trademark rights at the time when the disputed domain name was registered. Moreover, the well-documented third-party generic use of the term supports the Respondent’s claim that it purchased and is using the disputed domain name because of its generic/descriptive value and not because of a trademark. Even the Complainant has historically used the “accs” abbreviation and “market” in a generic manner. The Respondent provides sworn testimony that he had no knowledge of the Complainant’s alleged trademark. Actual established business use is a legitimate interest and disputes involving businesses with competing rights are outside of the scope and purpose of the Policy. Here the two Parties have co-existed with established businesses since 2019 and, if one includes the Respondent’s first account marketplace, the Respondent has been in this line of business since 2014, three years prior to the Complainant’s entry into the market. Furthermore, the Complainant did not have recognized trademark rights until it obtained its registered mark in January 2025, which is around the time that it purchased its business.

The disputed domain name has not been registered and is not being used in bad faith. There is no evidence of bad faith registration or use. The Respondent registered the disputed domain name simply because it incorporated a generic industry term that was available for registration. This is not the case of a cybersquatter looking for trademarks upon which to prey. To the contrary, the Respondent, like most of its competitors, has a genuine interest in promoting its business with a

generic or descriptive term referring to “a social media accounts marketplace” nothing more, nothing less. Absent specific proof of intent to profit from the Complainant’s mark, bad faith registration cannot be established.

There is no basis for this claim and the Complainant should have known that before filing its Complaint. The Complainant’s own use of the abbreviation “accs”, along with many third parties supports that it is a generic/descriptive use, which when combined with the word “market” is nothing more than a direct reference that the website is an accounts market or marketplace. The Complainant also knew when it filed the Complaint that while it has recently obtained registered trademark rights, its own use in connection with its “account marketplace” is generic. The Complainant is well aware that there are many third parties using the terms “accs market” or “accs marketplace” because of its generic qualities. The Complainant appears to have filed this Complaint to hijack the disputed domain name from its rightful owner and gain exclusive use of a generic industry term.

6. Discussion and Findings

6.1 Preliminary Issue: Unsolicited Supplemental Filing

On the day after the filing of the Response, prior to the appointment of the Panel, the Complainant made an unsolicited supplemental filing.

Paragraph 10(d) of the Rules provides that “[t]he Panel shall determine the admissibility, relevance, materiality and weight of the evidence”. Although paragraph 12 of the Rules empowers the Panel, in its sole discretion, to request further statements or documents from either of the Parties, this does not preclude the Panel from accepting unsolicited filings. See *Delikommat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#).

The purpose of the Complainant’s unsolicited supplemental filing is to submit a certificate of trademark registration that was issued in the United States on March 10, 2026. This constitutes new evidence that did not exist at the time when the Complaint was filed but, in any case, it does not alter the fact that the corresponding trademark application was pending at that time. The Respondent did not object to acceptance of the unsolicited supplemental filing. Given the Panel’s conclusion on the merits, it is unnecessary to give the Respondent an opportunity to comment on the new evidence.

Therefore, the Panel will accept the Complainant’s unsolicited supplemental filing and will take it into consideration in accordance with its relevance, materiality and weight.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant.

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown registered rights in respect of an ACCSMARKET trademark for the purposes of the Policy. The International and Russian Federation registrations were in force at the time when the Complaint was filed, which is the relevant point in time for the purposes of the first element of the Policy. See [WIPO Overview 3.1](#), sections 1.1.3 and 1.2.1. The mark is registered without any disclaimer.

The mark is reproduced within the disputed domain name with the addition of a hyphen separating "accs" from "market". Despite this addition, the mark is recognizable within the disputed domain name. The only other element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Given the Panel's findings under the third element of the Policy below, it is unnecessary to consider the second element.

C. Registered and Used in Bad Faith

The Panel notes that the third element of paragraph 4(a) of the Policy contains two requirements that apply conjunctively. A complainant must show both that the disputed domain name has been registered in bad faith and also that it is being used in bad faith. The former requires a demonstration that the Respondent knew, or should have known of the Complainant and/or the Complainant's trademark at the time when it registered or acquired the disputed domain name and that it registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

In the present case, the Complainant did not obtain its earliest ACCSMARKET trademark registration until 2025, six years after the registration of the disputed domain name. The Panel recalls that, where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. However, as an exception to that general proposition, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. See [WIPO Overview 3.1](#), sections 3.8.1 and 3.8.2.

The Panel has considered the possibility of any such exceptional circumstances in this dispute. The Complainant was not incorporated until 2023, four years after registration of the disputed domain name, but it claims rights to goodwill arising from the operation of its website since 2017. The evidence shows that the Complainant acquired the domain name associated with that website (i.e., <accsmarket.com>) from the original registrant, Mr. Savin, whom it describes as its employee and affiliate. Mr. Savin contracted in 2017 to register that domain name for Mr. Ekimov. The latter was appointed the Complainant's agent in December 2024 and the disputed domain name was transferred

to the Complainant in January 2025. Ultimately, it is unnecessary to determine whether these circumstances show that goodwill in the business associated with that domain name was transferred to the Complainant because the Complainant has not provided sufficient evidence that any alleged common law mark had acquired distinctiveness or market recognition by the time when the Respondent registered the disputed domain name in 2019.

In cases involving claims of common law marks (including domain names) that are comprised solely of descriptive terms or acronyms that are not inherently distinctive, UDRP panels require the complainant to present relevant and sufficient examples of evidence of acquired distinctiveness/secondary meaning. See [WIPO Overview 3.1](#), section 1.3. In the present case, the Complainant appears to claim common law rights in its domain name but provides no evidence of reputation prior to 2019, relying instead on more recent evidence, such as website analytical data and customer reviews indicating that it provides social media accounts. There is no evidence regarding the scale of the business associated with the domain name <accsmarket.com>, its customer base, or its reputation, in the circumstances prevailing in 2019. The Complainant provides no screenshot of the website beyond the current English version of the privacy policy page, which displays a title reading “AccsMarket – Accounts store”. That title reveals the descriptive nature of the term “AccsMarket” in the context of the Complainant’s business, as the term combines a contraction of the word “accounts” with a synonym for the word “store”, to refer to an accounts store. Although the Complainant has now obtained trademark registrations for that term, those registrations do not specify services of selling accounts and thus do not demonstrate distinctiveness with respect to such services.

The Panel does not exclude the possibility that the Respondent was aware of the website associated with the domain name <accsmarket.com> when he registered the disputed domain name. The Parties may have already been operating similar businesses in the Russian market. However, the Respondent provides a plausible alternative explanation for his choice of the disputed domain name, based on its nature as a description of his new English-language website, which is a marketplace for social media accounts and YouTube channels. Accordingly, even if the Respondent was aware of the term “AccsMarket” without a hyphen, the record does not demonstrate that he would have understood it as identifying a source with protectable trademark significance in 2019.

The Complainant argues that statements made on the renewal of a domain name registration can operate as an ongoing warranty that the domain name will not be used in bad faith, citing *Octogen Pharmacal Company, Inc. v. Domains By Proxy, Inc. / Rich Sanders and Octogen e-Solutions*, supra. However, while that line of reasoning appeared in a number of cases in 2009 and 2010, it has not been followed in subsequent cases and is not a consensus view, as noted expressly in the WIPO Overview, to which the Complainant made reference in other contexts. See [WIPO Overview 3.1](#), section 3.2.1.

Based on the record, the Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no trademark rights at the time that the Respondent registered the disputed domain name. See [WIPO Overview 3.1](#), section 3.8.1.

Therefore, the Panel finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

The Respondent claims that the Complaint appears to be an attempt to hijack the disputed domain name from its rightful owner and gain exclusive use of a generic industry term.

The Panel notes that the Complainant alleges that its business has been operating in association with the same domain name since prior to the registration of the disputed domain name, and that the disputed domain name is almost identical to the Complainant's trademark, adding only a hyphen and a gTLD extension. It cannot be excluded that the Respondent was aware of the Complainant's website at the time when he registered the disputed domain name. In the Panel's view, the Complainant may well have believed that it had a legitimate complaint within the terms of the Policy even though, on the evidence presented, it has failed.

Therefore, the Panel does not find that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Matthew Kennedy/

Matthew Kennedy

Presiding Panelist

/Olga Zalomiy/

Olga Zalomiy

Panelist

/Jeffrey Neuman/

Jeffrey Neuman

Panelist

Date: May 5, 2026