

ADMINISTRATIVE PANEL DECISION

Talent Worldwide, Inc. v. Tadeusz Malkowsky
Case No. D2026-0633

1. The Parties

The Complainant is Talent Worldwide, Inc., United States of America (“United States”), represented by Akerman LLP, United States.

The Respondent is Tadeusz Malkowsky, Poland

2. The Domain Name and Registrar

The disputed domain name <topcv.app> (the “Disputed Domain Name”) 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 February 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 16, 2026, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 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 amended Complaint on February 17, 2026.

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 February 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 12, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on March 17, 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

The Complainant, Talent Worldwide, Inc., d/b/a as TopCV by Career.io, is registered in Delaware, United States, and is a global platform providing professional CV writing, career services and products.

The Complainant operates under the brand name TOPCV and launched use thereof in 2017 as a company providing professional resume writing, professional CV writing, and interview preparation coaching, through its “www.topcv.com” website.

The Complainant has promoted its TOPCV mark in a variety of advertising campaigns across applicable platforms; and has current partnerships with the online career and recruitment marketplaces Experteer (ip.experteer.com) and Reed (www.reed.co.uk) in the United Kingdom, and past partnerships with Monster (www.monster.com).

Over time, the Complainant’s operations have expanded to service clients in the United States and throughout Europe; the Complainant’s “www.topcv.com” website has thousands of active users on a monthly basis, over 4,000 paying customers each year, and over a million individuals have used the Complainant’s services.

The Disputed Domain Name was registered on March 5, 2025, and, at the time of filing the Complaint, it was used in relation to a website that mimics the appearance and content of the Complainant’s “www.topcv.com” website, displays the TOPCV mark, promotes identical services to those offered by the Complainant (CV writing, ATS-focused optimization, FAQs, and career resources), and displays direct purchase prompts (‘Buy CV Services’). There is no disclaimer regarding any lack of connection between the Disputed Domain Name and the Complainant, to the contrary the website under the Disputed Domain Name displays copies of the Complainant’s legal and corporate disclosures as it includes a privacy policy that expressly names the Complainant, “Talent Worldwide, Inc.,” and lists the Complainant’s affiliated brands.

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 the following:

- the TOPCV marks have developed significant recognition and goodwill due to the Complainant’s extensive promotion of the TOPCV brand and insignia beginning as early as 2017 when the first services were launched;
- the Disputed Domain Name is identical to the Complainant’s common law TOPCV mark since the only difference is the use of the generic Top-Level Domain “.app” instead of “.com”;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name mainly because: the use of the Disputed Domain Name to intentionally trade on the rights and goodwill of the Complainant cannot constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use of the Disputed Domain Name; and the Respondent is not commonly known by a name corresponding to the Disputed Domain Name; and

- the Respondent registered and is using the Disputed Domain Name in bad faith mainly because through the Disputed Domain Name and corresponding website, the Respondent impersonates the Complainant, and the Respondent even copies the Complainant's branding and corporate disclosures, all these, in an attempt to impersonate the Complainant and defraud the public. These actions mislead consumers into believing the site is operated by, or affiliated with, the Complainant. The Respondent's intentional impersonation of the Complainant by mimicking the Complainant's website for commercial gain is bad faith.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Name is 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 the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

In addition to the extensive use of the mark TOPCV for providing professional CV writing and career services, the Panel notes that the Respondent is shown to have been targeting the Complainant, reproducing the Complainant's TOPCV mark and offerings on the website under the Disputed Domain Name, in an attempt to pass off as coming from the Complainant. The Panel considers that such use supports the Panel's finding that the Complainant's TOPCV mark has achieved significance as a source identifier for the purpose of the Policy. [WIPO Overview 3.1](#), section 1.3.

The entirety of the 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 3.1](#), section 1.7.

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 3.1](#), section 2.1.

Having reviewed the 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.

According to the evidence provided in the Complaint, the Respondent has used the Disputed Domain Name in connection with a website that mimics the appearance and the content of the Complainant's official website. Panels have held that the use of a domain name for illegal activity (e.g., copycat sites, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel further notes the composition of the Disputed Domain Name which reproduces identically the Complainant's trademark. Such fact, together with the other circumstances in this case, including its use and a lack of any explanation for the choice of Disputed Domain Name by the Respondent, do not amount to a bona fide offering or legitimate noncommercial or fair use.

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 was registered in bad faith, with likely knowledge of the Complainant and its TOPCV common law trademark particularly because the first use of the Complainant's mark predates the registration of the Disputed Domain Name by about 8 years. In addition, the composition of the Disputed Domain Name itself, which reproduces exactly the Complainant's mark and is highly similar to the Complainant's domain name, further reinforces an inference of bad faith. Lastly, the use of the Disputed Domain Name for a website that copies the look and feel -- even using the same colors and layout -- of the Complainant's official website, further supports that the Respondent registered the Disputed Domain Name opportunistically to take advantage of the Complainant's rights in its TOPCV mark.

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 3.1](#), section 3.2.1.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

By creating a website that impersonates the Complainant's official website by displaying the Complainant's mark, providing identical services, reproducing the Complainant's official privacy policy language by inserting the name of the Complainant and its affiliates, in this Panel's view, the Respondent has intended to attract Internet users accessing the website corresponding to the Disputed Domain Name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

Also, the use of a domain name for impersonation/passing off can never confer rights or legitimate interests on a respondent and it is considered evidence of bad faith. [WIPO Overview 3.1](#), section 3.4.

Further, the Respondent failed to provide a response to the present procedure to put forward any argument in its favour. Along with other circumstances in this case, such fact constitutes further signs of bad faith.

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, <topcv.app>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: March 31, 2026