

ADMINISTRATIVE PANEL DECISION

AnchorFree LLC v. donald joseph, dollar2dollars.com
Case No. D2026-1077

1. The Parties

Complainant is AnchorFree LLC, United States of America (“United States” or “U.S.”), represented by Markery Law LLC, United States.

Respondent is donald joseph, dollar2dollars.com, United States.

2. The Domain Name and Registrar

The disputed domain name <vpn360.net> (the “Domain Name”) is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2026. On March 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 13, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (PERFECT PRIVACY, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on March 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on March 19, 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 Respondent of the Complaint, and the proceedings commenced on March 23, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was April 12, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 15, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on April 23, 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

Complainant is a technology company in the field of Internet privacy and security. Complainant offers Virtual Private Network and related privacy and security software services under the VPN 360 trademark.

Complainant holds a United States trademark registration for VPN 360, U.S. Reg. No. 5,620,570, registered December 4, 2018, covering various software in the field of Internet security and privacy. Complainant has used the VPN 360 trademark in commerce since at least January 2017, and it continues to do so actively in connection with its security and privacy software products and services. Complainant's registered trademark rights are referred to as the "VPN360 Mark". Complainant offers its products under the domain name <vpn360.com>.

The Domain Name was registered on September 14, 2024. The Domain Name resolves to an active website that prominently displays the "VPN360" name and purports to offer VPN, privacy, and security software and services nearly identical to those offered by Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element of the Policy, Complainant contends that the Domain Name is identical or confusingly similar to Complainant's VPN360 Mark. Complainant points out that its VPN360 Mark is wholly incorporated in the Domain Name, with only the generic Top-Level Domain ".net" added, which does not prevent a finding of confusing similarity. Complainant asserts established rights in the VPN360 Mark through its trademark registration and continuous use of the VPN360 Mark since 2017, well before Respondent's Domain Name registration.

With respect to the second element of the Policy, Complainant further asserts that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant alleges that Respondent is not affiliated with Complainant and has never been authorized or licensed to use the VPN360 Mark. According to Complainant, Respondent adopted the VPN360 Mark solely to trade off Complainant's goodwill and mislead consumers. Complainant contends that over seven years after Complainant began using the VPN360 Mark, Respondent launched a website under the Domain Name to advertise nearly identical VPN, privacy, and security services, thereby competing directly with Complainant's offerings. Complainant adds that there is no evidence Respondent is commonly known by "VPN360", and in fact, the website provides no contact information or legitimate business details for Respondent, suggesting an absence of any legitimate enterprise. Complainant concludes that it has made a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name.

Finally, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant alleges that its VPN360 mark had been in use for years and was registered well before Respondent registered the Domain Name in 2024, and that given the mark's distinctiveness and public availability of Complainant's trademark registration, Complainant argues that Respondent had constructive knowledge of Complainant's rights. Complainant submits that Respondent deliberately targeted the VPN360 Mark to attract Internet users and divert them to Respondent's website for commercial gain, disrupting Complainant's business. The services offered on Respondent's site are essentially identical to

Complainant's services, which Complainant contends indicates Respondent's intent to create confusion and exploit Complainant's reputation. Complainant notes that the lack of contact details on Respondent's website suggest nefarious purposes, possibly even phishing or fraud. According to Complainant, such conduct evidences bad faith under paragraph 4(b)(iii) of the Policy.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 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.

Complainant has provided evidence of an incontestable United States trademark registration for the VPN 360 Mark. The Domain Name incorporates the entirety of Complainant's VPN360 Mark. The Panel finds the Domain Name is identical to trademark in which Complainant has rights, and the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the Policy, paragraph 4(a)(ii), Complainant has the burden of establishing that Respondent has no rights or legitimate interests in the Domain Name. Complainant needs to make a prima facie showing on this element, at which point the burden of production shifts to Respondent to present evidence that it has rights or legitimate interests in the Domain Name. If Respondent has failed to do so, Complainant is deemed to have satisfied its burden under paragraph 4(a)(ii) of the Policy. See *Vicar Operating, Inc. v. Domains by Proxy, Inc. / Eklin Bot Systems, Inc.*, WIPO Case No. [D2010-1141](#).

In this case, Complainant has not licensed or otherwise authorized Respondent to use its VPN360 Mark or to register domain names incorporating this mark. There is no evidence that Respondent has been commonly known by the Domain Name. Respondent's name is "donald joseph" of "dollar2dollars.com".

Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy¹ or otherwise. Instead, the record demonstrates that Respondent has operated a competing website offering virtually the same, if not identical, software and services branded as "VPN360.net", thereby misleading Internet users into believing there is an affiliation or authorization by Complainant, which is inconsistent with bona fide use and constitutes clear evidence of an intent to capitalize on Complainant's reputation. See *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. [D2021-1714](#) ("a [disputed domain name's] use cannot be deemed bona fide if the disputed domain names constitute trademark infringement"), citing *Sai Machine Tools Private Limited v. Mr. Sudhir Jaiswal, Shree Sai Extrusion Technik Pvt. Ltd*, WIPO Case No. [D2018-2560](#) ("bona fide use is predicated on honest adoption of the name" and respondent failed to show such honest adoption; rather, respondent's use was infringing and therefore not bona fide).

Additionally, Respondent's Domain Name registration data and website indicate two different business names, both unrelated to the Domain Name. As evidenced by Respondent's website content, the business asserts to be VPN360.net but the website contains no other contact information, and there is no evidence on file that Respondent has been commonly known by the Domain Name. The registration data references an individual's name with a domain name <dollar2dollars.com> as the registrant organization. The Panel reviewed the website at this domain name, and it is an e-commerce retailer.² There is no disclaimer or indication of lack of relationship with Complainant on Respondent's website. The Panel takes the view, noting Complainant's online presence, lack of any response and the website content, that Respondent selected the Domain Name to confuse visitors into believing it is associated with Complainant, and using it to offer competing services cannot be considered a bona fide or legitimate use.

The Panel therefore finds that Respondent has no rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Policy's third element requires Complainant to prove that the Domain Name was registered and is being used in bad faith. Under paragraph 4(b) of the Policy, certain illustrative circumstances constitute evidence of bad faith registration and use. Relevant to this case, Policy paragraph 4(b)(iv) provides that bad faith is indicated where by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or of products or services.

In this case, the totality of circumstances supports a finding of bad faith. Given Complainant's prior trademark rights and the extent of its use of the VPN360 Mark since 2017, including in its domain name, it is unlikely that Respondent chose the exact name "VPN360" by coincidence. The Domain Name was registered in September 2024, well after Complainant's mark had become established and gained a significant user base. The VPN360 Mark is registered on the Principal register of the United States Patent and Trademark Office in the context of VPN services, and Complainant's official website and mobile apps were publicly available. The timing and exact match strongly suggest that Respondent was aware of Complainant's mark and specifically targeted it when registering the Domain Name (this is so even though the term "vpn" is disclaimed in the relevant mark). In the absence of any alternative explanation by

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

²Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.1](#), section 4.8.

Respondent, the Panel infers that Respondent registered the Domain Name with Complainant's trademark in mind, intending to exploit it. See [WIPO Overview 3.1](#), section 3.2.2.

With respect to use, the record clearly shows that Respondent has used the Domain Name in bad faith. By resolving the Domain Name to a website that offers virtually identical goods and services branded as "VPN360.net", Respondent has attempted to attract Internet users for commercial gain by creating a likelihood of confusion with Complainant's mark. In other words, Respondent is capitalizing on Complainant's name and reputation to divert customers to Respondent's competing service. Users seeking Complainant's VPN360 service (for example, by typing "vpn360.net" instead of Complainant's <vpn360.com> domain name) are likely to arrive at Respondent's site and could be misled into purchasing or downloading Respondent's competing or unauthorized offering under the mistaken impression that it is Complainant's service. Such conduct constitutes bad faith under Policy paragraph 4(b)(iv). *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. [D2021-1714](#) ("the Panel's finding not only that the Respondents are infringing the Complainants' trademarks ... also runs afoul of principles articulated in sections 2.4 and 2.5 (including subsections) of the WIPO Overview is dispositive of [the issue of bad faith]"); *Global Esprit Inc. v. Living 4*, WIPO Case No. [D2004-0318](#) (finding bad faith where respondent used a trademark in the domain to divert business for identical goods).

Considering all the above facts and circumstances, the Panel finds that Respondent registered and is using the Domain Name in bad faith under Policy paragraph 4(a)(iii).

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 Domain Name <vpn360.net> be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: May 7, 2026