

ADMINISTRATIVE PANEL DECISION

ACT Education Corp. v. James Bondy

Case No. D2026-1546

1. The Parties

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

The Respondent is James Bondy, Uganda.

2. The Domain Name and Registrar

The disputed domain name <actexam.info> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2026. On April 13, 2026, 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 which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 13, 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 April 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 April 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2026.

The Center appointed Catherine Slater as the sole panelist in this matter on May 21, 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 is a company based in the United States and which supplies, under the trademark ACT, standardized tests used for college admissions in the United States.

The Complainant owns a number of trademark registrations for the mark ACT, including:

- United States Registration No. 2,888,069 registered on September 28, 2004;
- European Union Registration No. 003787496, registered on July 23, 2007.

The Complainant operates a website at “www.act.org”.

The disputed domain name was registered on November 25, 2025.

On March 16, 2026, the disputed domain name resolved to a website with the heading “ACT Exam” and subheading “ACT Practice Tests Online” and containing links entitled “45 ACT English Practice Tests”, “45 ACT Math Practice Tests”, “45 ACT Reading Practice Tests” and “55 ACT Science Practice Tests”. On April 12, 2026, the same website contained a sub-heading “ACT Real Past Papers Download” followed by a large list of links to such purported past papers.

At the date of this Decision, the disputed domain name does not resolve to any active website. However, the subdomain <exam.actexam.info>, as shown in the evidence of the Complaint, has resolved to a website with the heading “ACTExam” and sub-heading “Take ACT Tests”, and with links to purported ACT exam past papers.

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 the disputed domain name is confusingly similar to the Complainant’s trademark in that the disputed domain name contains the Complainant’s trademark in its entirety with the addition of the descriptive word “exam”. In this regard, the Complainant further contends that the website content trades off the reputation of the Complainant’s trademarks and therefore also supports a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not commonly known by the disputed domain name, there is no evidence that the Respondent had any relevant trademark rights, the Respondent is not affiliated with the Complainant in any manner, the Complainant has not granted any right to the Respondent to use the Complainant’s trademark for any purpose, the use made of the disputed domain name is not fair since it falsely suggests affiliation with the Complainant and the use of the disputed domain name to enable unauthorised access to the Complainant’s copyrighted work for commercial gain does not qualify either as a bona fide offer nor a legitimate noncommercial or fair use.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith because the Respondent registered the disputed domain name with knowledge of the Complainant's trademark (evidenced by the addition of a descriptive term that relates to the Complainant's services) and the Respondent has directed the disputed domain name to a website that creates the false impression that it is connected to the Complainant. The Respondent contends that this use of the disputed domain name is designed to intentionally attract Internet users to the Respondent's website in accordance with paragraph 4(b)(iv) of the Policy and provides unauthorised access to the Complainant's copyrighted material in accordance with paragraph 4(b)(iii) and (iv).

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

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "exam", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 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.

For completeness, the Panel finds that the use made of the disputed domain name (discussed in more detail below) is such as to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's services which use could not be said to be bona fide.

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 Respondent has selected a domain name which comprises the Complainant's distinctive trademark plus a descriptive term relevant to the Complainant's business. In such circumstances, the clear inference is that the Respondent has selected the disputed domain name with knowledge of the Complainant's trademark. That the Respondent had such knowledge is further confirmed by the use of the disputed domain name for a website that displays the Complainant's trademark and provides links to the Complainant's copyrighted materials. It is clear that the Respondent registered the disputed domain name with the Complainant's trademark in mind and with the intention of profiting from, or otherwise exploiting, the goodwill attached to that trademark.

The Respondent's use of the disputed domain name for a website that displays the Complainant's trademark and provides links to the Complainant's copyrighted materials creates the false impression that it is associated with the Complainant. As such, the Panel considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark in accordance with paragraph 4(b)(iv) of 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.info> be transferred to the Complainant.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: June 4, 2026