

ADMINISTRATIVE PANEL DECISION

First Advantage Corporation v. Natan Calman
Case No. D2026-3862

1. The Parties

Complainant is First Advantage Corporation, United States of America ("United States"), represented by Shumaker, Loop & Kendrick, LLP, United States.

Respondent is Natan Calman, United States.

2. The Domain Name and Registrar

The disputed domain name <firstadvantagebackgroundcheckdispute.com> (the "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 August 27, 2026. On August 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 31, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email to Complainant on September 1, 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 September 1, 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 September 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 24, 2026.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 28, 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 asserts:

“Complainant provides global background check and screening, identity and verification solutions to help clients manage risk and allow them to hire with confidence. Complainant is a large publicly traded company with a long-standing and highly regarded reputation.”

Complainant operates its main commercial website at the domain name <fadv.com>.

Complainant holds various registrations for the trademark FIRST ADVANTAGE, including: United States Patent and Trademark Office (“USPTO”) Reg. No. 3,161,546 for the word mark FIRST ADVANTAGE, registered on October 24, 2006 in connection with, among other things, “credit inquiry and consultation,” “financial investigation of potential tenants,” and “background investigation services,” with a June 7, 2003 date of first use in commerce; and USPTO Reg. No. 3,616,029 for the word mark FIRST ADVANTAGE, registered on May 5, 2009 in connection with, among other things, “business consultation and information services,” with a June 5, 2003 date of first use in commerce.

Complainant also has foreign trademark registrations for FIRST ADVANTAGE, including in China, United Kingdom, Hong Kong, China, Japan, Republic of Korea (the), Philippines, Singapore, and New Zealand.

The Domain Name was registered on February 17, 2026. The Domain Name currently does not resolve to an active website.

As of February 22, 2026, however, the Domain Name resolved to a website (reflected in a screenshot annexed to the Complaint) which featured the text, “First Advantage Background Check Dispute: Fix Errors and Protect Your Rights.” The website also provided additional content regarding purported potential remedies for individuals who have failed a background check performed by Complainant. The site provided a telephone number to call and receive a “free case review.” In addition, calling the provided telephone number leads to an answering service called “Consumer Attorneys.”

According to a Declaration by Complainant’s counsel, on August 18, 2026, she dialed the aforementioned phone number, and she received the greeting, “Consumer Attorneys how may I help you?” She then hung up the phone.

Respondent has not disputed any of the foregoing allegations.

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.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (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.

A. Identical or Confusingly Similar

The Panel concludes, on this undisputed record, Complainant has rights in the trademark FIRST ADVANTAGE through registrations demonstrated in the record.

The Panel also finds that the Domain Name is confusingly similar to Complainant's mark. The Domain Name incorporates the FIRST ADVANTAGE mark and adds the descriptive words "background check dispute." Despite these additional words, the Panel finds that Complainant's mark is recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] 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 [Respondent] (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 [Respondent] 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.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to dispute Complainant's allegations and evidence. It is apparent from the composition of the Domain Name – containing Complainant's mark, well-known in its sector, and some words closely associated with the services offered under that mark – that Respondent was aware of Complainant and its trademarked services. It is also apparent that Respondent purported to offer consumer advocacy services to people who arrived at its website – such (prior) use does not amount to a noncommercial criticism or informational site. Rather, in the Panel's view, Respondent is trading off the renown of Complainant's longstanding trademark rights in order to attract visitors to its website for commercial gain. The website also did not clearly identify Respondent or the operator of the website. Such a use of the Domain Name, absent further evidence or explanation from Respondent, does not invest Respondent with a legitimate interest vis-à-vis the Domain Name. Moreover, the Panel notes that rights or legitimate interests are typically evaluated at the time of the Complaint, and the passive holding of the disputed domain name does not support a finding of rights or legitimate interests.

The Panel concludes that Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes, on this undisputed record, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. The Panel finds it more likely than not that Respondent has registered the Domain Name with Complainant and its mark in mind, given the composition of the Domain Name and the content of the website thereunder, and has used the Domain Name to create a likelihood of confusion with Complainant’s trademark for the purpose of attracting visitors to its website and thereby promoting its apparent consumer advocacy business. Such conduct violates the above-quoted Policy paragraph 4(b)(iv).

Regarding the subsequent non-use of the Domain Name, the Panel notes that, in the circumstances of this case, the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

Complainant has established 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 <firstadvantagebackgroundcheckdispute.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: October 8, 2026