

ADMINISTRATIVE PANEL DECISION

ZipRecruiter Inc. v. Behnood Marvazi

Case No. DAI2024-0015

1. The Parties

The Complainant is ZipRecruiter Inc., United States of America ("United States"), represented by SafeNames Ltd., United Kingdom.

The Respondent is Behnood Marvazi, United States.

2. The Domain Name and Registrar

The disputed domain name <ziprecruiter.ai> ("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 12, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 14, 2024, 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, 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 15, 2024 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 22, 2024.

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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on April 5, 2024. 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, founded in 2010, is an online recruitment company, attracting over 120 million active job seekers, and over 10,000 new companies every month. The Complainant currently has marketing operations in the United States, Canada and the United Kingdom.

The Complainant owns the following registered trademarks:

ZIPRECRUITER United States Reg. No. 3934310, Registered on March 22, 2011 in Class 42;

ZIPRECRUITER New Zealand Reg. No. 1036562, Registered on August 4, 2016 in Classes 9, 36, 41, and 42;

ZIPRECRUITER European Union Reg. No. 015070873, Registered on June 13, 2016 in Classes 9, 36, 41, and 42;

ZIPRECRUITER Canada Reg. No. TMA979480, Registered on August 28, 2017 in Classes 9, 41, and 42;

ZIPRECRUITER Australia Reg. No. 1749916, Registered on February 3, 2016 in Classes 9, 36, 41, and 42.

The Disputed Domain Name was registered on July 27, 2023 and does not resolve to an active website.

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.

The Complainant holds numerous trademark registrations for the term ZIPRECRUITER registered in various jurisdictions. The Complainant also relies on the goodwill and recognition that has been attained under the same ZIPRECRUITER brand. The Disputed Domain Name clearly contains, in its entirety without alteration or adornment, the ZIPRECRUITER trademark, and is, therefore, identical. The Top-Level Domain (TLD) ".ai", featured in the Disputed Domain Name, does not negate a finding of identity or confusing similarity.

The Respondent does not have any trademark rights to the term ZIPRECRUITER or any other term used in the Disputed Domain Name. There is also no evidence that the Respondent retains unregistered trademark rights to the term ZIPRECRUITER or any other term used in the Disputed Domain Name. Neither has the Respondent received any license from the Complainant to use domain names featuring the ZIPRECRUITER trademark.

There is no evidence showing that the Respondent has been using, or preparing to use, the Disputed Domain Name in connection with a bona fide offering of goods and services since its registration. Currently, the Disputed Domain Name does not resolve to a website and is therefore not offering any goods or services.

The Respondent may be putting the Disputed Domain Name to active use through emails. While the Complainant has not been made aware of emails originating from the Disputed Domain Name, there is

evidence of MX records attached to the Disputed Domain Name. This means the Respondent has implemented the technical capability to send and receive emails.

The Respondent is not commonly known by any terms used in the Disputed Domain Name, nor is offering any genuine goods or services by those terms. To the best of the Complainant's knowledge, there is no plausible reason for the registration or use of the Disputed Domain Name, given the distinctive nature of the ZIPRECRUITER mark.

The Respondent does not use the Disputed Domain Name, there can be no noncommercial or fair use, as some sort of active use is a prerequisite to both factors. Additionally, the only evidence of use available on record includes: (i) previous use for a Pay-Per-Click (PPC) advertising page, which directed users to competing offerings; (ii) potential use for email purposes which carries an impermissible risk of implied affiliation with the Complainant.

The Complainant's trademark registrations predate the creation date of the Disputed Domain Name. In addition, the Complainant has accrued substantial goodwill and recognition since the Complainant's establishment in 2010.

Upon disclosure of the Respondent details after this Complaint was filed, the name of the Respondent matches that of a former employee at the Complainant's company. The Complainant submits that an individual named "Behnood Marvazi" previously worked at the Complainant's company, but is no longer with the company as of 2023. In addition, it appears that the Respondent has set up its own recruiting company named "Incisive Recruiting LLC", the website of which states that it "was founded by a former Hiring Strategist at a [sic] top-tier and well-known job board, ZipRecruiter.com".

The Complainant's representatives sent a cease and desist letter to the Respondent on November 13, 2023. This letter was sent in order to put the Respondent on notice of the Complainant's trademarks and rights, and with a view to resolve the matter amicably. The Respondent did not reply, which may constitute further evidence that it knowingly acted in bad faith.

The Complainant also emphasizes the high risk for online users, particularly clients of the Complainant, on receipt of emails from the Respondent in connection with the Disputed Domain Name. Given the implied affiliation with the ZIPRECRUITER mark, the Disputed Domain Name in the hands of the Respondent could be used for impersonation.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the ZIPRECRUITER mark. The TLD ".ai" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is identical to a mark in which the Complainant has rights. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.11.1, and *Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#).

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name years after the Complainant had begun using its globally known ZIPRECRUITER mark and apparently after the Respondent left his employment with the Complainant indicates the Respondent sought to piggyback on the mark for illegitimate reasons. Further, the composition of the Disputed Domain Name carries a high risk of implied affiliation with the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered many years after the Complainant first registered and used its global ZIPRECRUITER trademark. The evidence on the record provided by the Complainant with respect to the extent of use and global fame of its ZIPRECRUITER trademark, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's ZIPRECRUITER trademark, and knew that it had no rights or legitimate interests in the Disputed Domain Name.

There is no reason for the Respondent to have registered the Disputed Domain Name containing the entirety of the ZIPRECRUITER trademark with the TLD “.ai” other than to freeride the fame and good will of the Complainant's trademark by creating a likelihood of confusion with such mark as to the source, sponsorship, affiliation, or endorsement.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

The Panel further notes, according to the evidence submitted by the Complainant, that the Respondent appears to be a former employee of the Complainant who is no longer with the company as of 2023. The Respondent has set up its own recruiting company named “Incisive Recruiting LLC” formed on June 17, 2023, the website of which states that it “was founded by a former Hiring Strategist at a top-tier and well-known job board, ZipRecruiter.com”. The Respondent has not rebutted such claim. This is additional evidence of the Respondent's knowledge of the Complainant's ZIPRECRUITER mark and business when registering the Disputed Domain Name and its attempt to disrupt the Complainant's business and to attract for its own commercial gain, Internet users to the Respondent's website.

In light of the above, the Panel finds that the only plausible basis for registering and passively holding the Disputed Domain Name is for illegitimate and bad faith purposes. In view of section 3.3 of the [WIPO Overview 3.0](#), given the above considerations, the totality of the circumstances supports a finding of bad faith, regardless of the current inactive state of the Disputed Domain Name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <ziprecruiter.ai> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: April 19, 2024