

ADMINISTRATIVE PANEL DECISION

Hearst Communications, Inc. v. Akash Twiprasa
Case No. DCO2024-0096

1. The Parties

The Complainant is Hearst Communications, Inc., United States of America (“United States”), represented by Maureen Walsh Sheehan, United States.

The Respondent is Akash Twiprasa, India.

2. The Domain Name and Registrar

The disputed domain name <harpersbazaar.com.co> (the “Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2024. On December 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 19, 2024, 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 (“Redacted For Privacy”) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 2, 2025, 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 amendment to the Complaint on January 2, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on January 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 30, 2024.

The Center appointed Tony Willoughby as the sole panelist in this matter on February 7, 2025. 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 diversified media, information and services company. It is the publisher of numerous magazines, one of which is Harper's Bazaar magazine, a magazine that was launched in the United States in 1867. It is the registered proprietor of a large number of trademark registrations covering the name including by way of example United States registration No. 274802 HARPER'S BAZAAR registered on September 9, 1930 in class 16 for monthly magazines. It operates a website at "www.harpersbazaar.com".

The Domain Name was registered on March 19, 2024, and is connected to a website appearing to be a replica of the Complainant's website at "www.harpersbazaar.com". The home page is headed HARPERS BAZAAR and features at its foot a copyright notice reading: "© 2024 HARPERS BAZAAR MAGAZINE ALL RIGHTS RESERVED". It also includes links to the Complainant's subscriptions page.

As noted in section 3 above the Center formally notified the Respondent of the Complaint. It did so by all available means provided by the Respondent to the Registrar on registration of the Domain Name, namely email, fax and post and by email to <postmaster@harpersbazaar.com.co>. In so doing it discharged its responsibility under the Rules. However, it seems that none of those methods achieved actual notice. The Panel concludes that the Respondent intentionally rendered himself incommunicado.

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 Domain Name. It asserts that the Respondent's objective from the outset was to register a domain name substantially identical to the Complainant's HARPER'S BAZAAR trade mark to connect to a replica of the Complainant's website with the fraudulent intention of using it to mislead consumers and potentially to collect personal information on unsuspecting visitors believing that they are at the Complainant's website.

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

As indicated in section 4 above the Complainant has shown registered rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's registered trademark (absent the space and the apostrophe) is reproduced within the Domain Name without any added matter save for the ".com.co" country code Top-Level Domain ("ccTLD") identifier. Accordingly, the Domain Name is identical to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests and Registered and Used in Bad Faith

In this case it is convenient that the second and third elements of the Policy be dealt with together.

The Respondent, having no connection with the Complainant, unauthorisedly registered the Domain Name, a domain name substantially identical to the Complainant's HARPER'S BAZAAR registered trade mark and identical to the Complainant's <harpersbazaar.com> domain name save for the addition of the ".co" ccTLD identifier. He connected the Domain Name to a website appearing to be a replica of the Complainant's website and featuring a copyright notice identifying the Complainant's magazine and a link to the Complainant's subscriptions page.

Precisely what the Respondent intended to achieve by this is not clear. The Complainant may well be correct in contending that a possible purpose was to collect personal information from visitors to the website. Certainly, the Respondent's purpose was to deceive visitors as to the identity of the operator of the website. The Panel concludes on the balance of probabilities that the Respondent's purpose was fraudulent and notes that the Respondent rendered himself incommunicado, a device frequently employed by fraudsters.

Fraudulent activity can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#), section 2.13.1) and on the same basis registration and use of a domain name for such a purpose clearly constitutes bad faith registration and use of the Domain Name under the Policy ([WIPO Overview 3.0](#), section 3.4).

The Panel also notes that the composition of the disputed domain name along with the content of the website (reproducing the Complainant's trademark) indicates the Respondent's intention to create a risk of affiliation or association with the Complainant and its mark.

The Panel finds that both the second and third elements have been established.

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 <harpersbazaar.com.co> be transferred to the Complainant.

/Tony Willoughby/

Tony Willoughby

Sole Panelist

Date: February 19, 2025