

ADMINISTRATIVE PANEL DECISION

DataRobot, Inc. v. Chen MyName

Case No. DWS2024-0002

1. The Parties

Complainant is DataRobot, Inc., United States of America, represented by Greenberg Traurig, LLP, United States of America.

Respondent is Chen MyName, United States of America (“United States”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 19, 2024. On August 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 20, 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 (Not provided) and contact information in the Complaint. The Center sent an email communication to Complainant on August 21, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 21, 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 Respondent of the Complaint, and the proceedings commenced on August 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 13, 2024.

The Center appointed Timothy D. Casey as the sole panelist in this matter on September 23, 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

Complainant provides artificial intelligence software-related services for industries including healthcare and life sciences, manufacturing, retail and financial services. Complainant has trademark rights in “Datarobot” dating back to 2014, with registrations in the United States and numerous other countries for DATAROBOT and DATAROBOT designs (the “DATAROBOT Marks”), including the following:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
DATAROBOT	United States	42	4,601,957	September 9, 2014

Complainant is also the owner of the domain name <datarobot.com>, which resolves to a website that provides information regarding Complainant and its services and contains information about career opportunities with Complainant as well as open job postings and applications.

The disputed domain name was registered on May 8, 2024. The disputed domain name does not resolve to an operable website. Complainant provided evidence indicating that the disputed domain name was utilized in emails impersonating Complainant related to employment recruiting.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is identical or confusingly similar to the DATAROBOT Marks as the disputed domain name incorporates the DATAROBOT Marks in full and merely changes the Top-Level Domain (“TLD”).

Complainant contends that it did not authorize or consent to Respondent’s registration of the disputed domain name, that Respondent is not commonly known by the disputed domain name, that Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services or in connection with any protected noncommercial use or fair use, and Respondent has not been authorize, licensed, or otherwise permitted by Complainant to register or use the disputed domain name. In particular, Complainant notes that Respondent’s use of the disputed domain name to impersonate Complainant in an attempt to extract personal information and money from job seekers constitutes fraudulent activity that has no likely or conceivable legitimate purpose.

Complainant notes that Complainant established its rights in the DATAROBOT Marks almost a decade before Respondent registered the disputed domain name. Complainant contends this fact along with Respondent’s fraudulent activity indicates that Respondent’s registration and use is in bad faith. Complainant further contends that Respondent had actual and inferred knowledge of the DATAROBOT Marks because of Complainant’s trademark registrations.

B. Respondent

Respondent did not reply to 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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown 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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the DATAROBOT Marks 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

Paragraph 4(c) of the Policy provides a list of circumstances in which 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 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 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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 disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation and other acts of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 Respondent clearly knew of the DATAROBOT Marks prior to registering the disputed domain name as evidenced by the activities Respondent engaged in using the mark shortly thereafter.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation and or other acts of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <datarobot.ws> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: October 10, 2024