

ADMINISTRATIVE PANEL DECISION

**Cresset Partners LLC and Cresset Administrative Services Corporation v.
Jose Animas
Case No. D2023-0568**

1. The Parties

The Complainants are Cresset Administrative Services Corporation and Cresset Partners LLC, United States of America (“United States” or “U.S.”), represented by Fuksa Khorshid, LLC, United States.

The Respondent is Jose Animas, Mexico.

2. The Domain Name and Registrar

The disputed domain name <cressetpartnerscorporate.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2023. On February 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 9, 2023, 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 (Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 10, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 13, 2023.

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 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2023.

The Center appointed Taras Kyslyy as the sole panelist in this matter on March 13, 2023. 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 Complainants are related U.S. companies providing financial services. The Complainant Cresset Partners LLC (the “First Complainant”) owns U.S. trademark registration No. 5798071 for CRESSET PARTNERS, registered on July 9, 2019. The Complainant Cresset Administrative Services Corporation (the “Second Complainant”) owns U.S. trademark registration No. 5531975 for CRESSET, registered on July 31, 2018.

The disputed domain name was registered on January 24, 2023, and resolves to a website displaying words “Index of / Name Last modified Size Description”.

On February 6, 2023, the Complainants addressed the Respondent with a cease and desist letter. The Complainants have not provided information on whether any response was received.

5. Parties’ Contentions

A. Complainants

The disputed domain name is identical or confusingly similar to the Complainants’ trademarks. The disputed domain name includes the entirety of the Complainants’ trademarks with only a generic word, “corporate”, added to the end of the disputed domain name.

The Respondent has no rights or legitimate interests in the disputed domain name. Prior to any notice to the Respondent, there is no evidence of: (i) the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; (ii) whether the Respondent has been commonly known by the disputed domain name; and (iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain misleadingly to divert consumers or to tarnish the Complainants’ trademarks. The Respondent registered the disputed domain name long after the Complainants registered and began using their trademarks. The Respondent is not a licensee of the Complainants nor is the Respondent otherwise authorized to use the Complainants’ trademarks for any purpose.

The disputed domain name was registered and is being used in bad faith. The disputed domain name may have been registered or acquired primarily for the purpose of misleading or defrauding customers of the Complainants. The disputed domain name links to a site with a suspicious login page inaccessible without a proper password. The Respondent has used the disputed domain name to impersonate a real estate division of the Complainants that does not exist, sending emails from “[...]@cressetpartnerscorporate.com” in an attempt to defraud the Complainants’ customers of tens of thousands of dollars. The Respondent’s unlawful impersonation plainly intends to mislead the Complainants’ customers, as the fraudulent emails use the Complainants’ registered logos, and branding. The Respondent also may have registered the disputed domain name for selling, renting, or otherwise transferring the disputed domain name registration to the Complainants or to a competitor of the Complainants, for valuable consideration in excess of the Respondent’s out-of-pocket costs directly related to the disputed domain name. The Respondent knowingly registered the disputed domain name to capitalize on consumer recognition of the Complainants’ trademarks. The Respondent’s registration of the disputed domain name confusingly similar to the Complainants’ trademarks evidences the Respondent’s bad faith to confuse and mislead consumers that the disputed domain name is related to or somehow affiliated with the Complainants. There is no plausible circumstance under which the Respondent could legitimately register or use the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

A. Preliminary Issues – Consolidation of Complainants

Section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") summarizes the consensus view of UDRP panels on the consolidation of multiple complainants, in part, as follows:

"In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

The Complainants are related corporate entities and have a common legal interest sufficient to justify consolidation. There is no reason to require each of them to submit an almost identical complaint against the Respondent with nearly identical facts, legal arguments, and requested relief. Moreover, the Respondent will not suffer any prejudice, and consolidation will not affect the Respondent's rights in responding to the Complaint.

Taking into account the above, the Panel rules in favor of consolidation of the Complainants.

B. Identical or Confusingly Similar

According to section 1.11.1 of the [WIPO Overview 3.0](#), the applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLD ".com" for the purposes of the confusing similarity test.

According to section 1.7 of the [WIPO Overview 3.0](#), in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing. The Panel finds that in the present case, the disputed domain name incorporates the entirety of the Complainants' trademarks.

According to section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The Panel finds that the addition to the disputed domain name of the word "corporate" to the First Complainant's trademark, and the words "partners" and "corporate" to the Second Complainant's trademark would not prevent a finding of confusing similarity between the disputed domain name and the Complainants' trademarks.

Considering the above, the Panel finds the disputed domain name is confusingly similar to the Complainants' trademarks, therefore, the Complainants have established its case under paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

The Complainants have established *prima facie* that the Respondent has no rights or legitimate interests in the disputed domain name.

Furthermore, the Respondent provided no evidence that it holds rights or legitimate interests in the disputed domain name.

The available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainants did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated *bona fide* or legitimate use of the disputed domain name could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The Respondent has intentionally and fraudulently attempted to pass itself off as the Complainants and / or an affiliate of the Complainants by using an email address associated to the disputed domain name in an effort to obtain significant amounts of money from Internet users. Past UDRP panels confirmed that such actions prove a respondent has no rights or legitimate interests in a disputed domain name (see *Allianz SE v. Whois Privacy Protection Service, Inc. / Allianz Survey*, WIPO Case No. [D2016-1658](#)).

Considering the above, the Panel finds the Respondent does not have rights or legitimate interests in the disputed domain name. Therefore, the Complainants have established its case under paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

According to section 3.2.2 of the [WIPO Overview 3.0](#), noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen Top-Level Domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark. The Panel finds that use of the disputed domain name for sending fraudulent email associated to the disputed domain name impersonating the Complainants confirms the Respondent knew and targeted the Complainants and their trademarks when registering the disputed domain name, which is bad faith.

According to section 3.4 of the [WIPO Overview 3.0](#), UDRP panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. The Panel finds that in the present case use of the disputed domain name to send fraudulent email constitutes bad faith.

Considering the above, the Panel finds the disputed domain name was registered and is being used in bad faith. Therefore, the Complainants have established its case under 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, <cressetpartnerscorporate.com>, be transferred to the Complainants.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: March 21, 2023