

ADMINISTRATIVE PANEL DECISION

Sfanti Grup Solutions SRL v. Sk Abul Hasan

Case No. D2023-0682

1. The Parties

The Complainant is Sfanti Grup Solutions SRL, United States of America (“United States”), represented by Walters Law Group, United States.

The Respondent is Sk Abul Hasan, Bangladesh.

2. The Domain Names and Registrar

The disputed domain names <meegapersonal.com> and <megaapersonall.com> (the “Domain Name(s)”) are registered with OwnRegistrar, Inc. and Purple IT Ltd (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2023. On February 15, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On February 16 and February 21, 2023, the Registrars transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 February 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 22, 2023.

The Center appointed Gregor Vos as the sole panelist in this matter on March 29, 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 Complainant is a company active in the field of online dating services. The Complainant is the owner of United States trademark registration No. 6432591 MEGAPERSONALS, registered on July 27, 2021 (the "Trademark"), which has been used since 2004.

The Domain Name <megaapersonall.com> was registered on October 9, 2022 and the Domain Name <meegapersonal.com> was registered on March 30, 2022. The Domain Name <megaapersonall.com> resolves to an identical website that appear to mimic the Complainant's website on which the Complainant's logo is depicted. The Domain Name <meegapersonal.com> redirects to the Domain Name <megaapersonall.com>.

Further, it is undisputed that the Complainant is the holder of the domain names <megapersonals.com> and <megapersonals.eu>.

5. Parties' Contentions

A. Complainant

With the Complaint, the Complainant seeks that the Domain Names are transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Names are identical or confusingly similar to the Trademark MEGAPERSONALS of the Complainant, the Respondent has no rights or legitimate interests in the Domain Names, and the Domain Names have been registered and are being used in bad faith.

Firstly, according to the Complainant, the Domain Names are identical or confusingly similar to its Trademark MEGAPERSONALS. The Trademark is almost identically reproduced in the Domain Names, with the only difference being that the letter "s" is deleted, and that the letter "e" is added to the Domain Name <meegapersonal.com>, and the letters "a" and "l" are added to the Domain Name <megaapersonall.com>. This would be a common case of typosquatting. The addition of a generic Top-Level Domain like ".com" is a standard registration requirement and is not sufficient to distinguish the Domain Names from the Complainant's Trademark.

Secondly, according to the Complainant, the Respondent has no rights or legitimate interests in the Domain Name. The Complainant is not affiliated with the Respondent and has never authorized the Respondent to register or use the Domain Names with the Trademarks. Also, the Respondent would not be commonly known under the Domain Names and the Domain Names resolve to a website that mimic the Complainant's website and on which the Complainant's logo is depicted. Therefore, Internet users might be led to believe that the Domain Names are related to or operated by the Complainant. This use of the Domain Names would not be a *bona fide* offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

Finally, according to the Complainant, the Respondent has registered and is using the Domain Names in bad faith. According to the Complainant, the fact that the Domain Names are clear examples of typosquatting is evidence of registration of the Domain Names in bad faith. Also, the Respondent's bad faith can be inferred from the fact that the Domain Names resolve to a website that appears to mimic the Complainant's website and on which the Complainant's logo is depicted. Also, the Respondent has never replied to a letter of the Complainant by which the Complainant tried to resolve this dispute amicably. Further, the Respondent's use of the Domain Names would constitute bad faith, because the Domain Names would offer services in direct competition with the Complainant and by displaying a copycat version of the Complainant's website.

B. Respondent

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

6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant's undisputed factual presentations.

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Names are identical or confusingly similar to a trademark or a service mark in which the Complainant has rights; and
- ii. the Respondent has no rights or legitimate interests in respect of the Domain Names; and
- iii. the Domain Names have been registered and are being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedies requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Names are (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant is registered as the owner the Trademark MEGAPERSONALS. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademark.

With regard to the assessment of identity or confusing similarity of the Domain Names with the Trademark, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Trademark and the Domain Names (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant trademark ([WIPO Overview 3.0](#), section 1.9). This is confirmed in earlier panel decisions, where the mere substitution or addition of a single letter does not prevent a confusing similarity between the disputed domain name and the relevant trademark (*Sanofi v. Domains By Proxy, LLC / domain admin*, WIPO Case No. [D2013-0368](#) (<sanifi.com>); *Confédération Nationale du Crédit Mutuel v. Ben Taurins*, WIPO Case No. [D2018-1395](#) (<kredit-mutuel.com>)).

In the present case, the Domain Names incorporate the Complainant's Trademark MEGAPERONALS in its entirety, with the only difference being that the letter "s" is deleted in both Domain Names, that the letter "e" is added in the Domain Name <meegapersonal.com> and the letters "a" and "l" are added in the Domain Name <megaapersonall.com>, which does not prevent a finding of confusing similarity between the Trademark and the Domain Names. Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Names. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpress Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three nonlimitative examples of instances in which a respondent may establish rights or legitimate interests in the disputed domain name.

The Complainant has substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to address the *prima facie* case thus established by the Complainant. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present. This is reinforced by the fact that the website to which the Domain Name <megaapersonall.com> resolve appear to mimic the Complainant's website and display the Complainant's logo and the Domain Name <meegapersonal.com> redirects to the Domain Name <megaapersonall.com>.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names. Paragraph 4(a)(ii) is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that a disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-exhaustive circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Trademark is registered by the Complainant and has been used since at least 2004. The Complainant's rights to the Trademark predate the registration date of the Domain Names. The Panel agrees with the Complainant that it is not conceivable that the Respondent chose the Domain Names without knowledge of the Complainant's activities and its Trademark under which the Complainant is doing business, because of the fact that the Domain Names are clear examples of typosquatting and resolve and redirect to websites that appear to mimic the Complainant's website. This suggests that the Domain Names were registered in recognition of the confusing similarity between the Domain Names and the Trademark. This constitutes registration of the Domain Names in bad faith.

With regard to use of the Domain Names in bad faith, the Panel finds that the misspelling of the Trademark in the Domain Names signals an intention of the part of the Respondent to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark ([WIPO Overview 3.0](#), section 3.1.4). In addition, the fact that website to which the Domain Names mimics the Complainant's website shows that the Respondent attempts to create the false suggestion that the Respondent is affiliated with or sponsored by the Complainant.

In addition, the Respondent has not responded to the cease-and-desist letter that the Complainant has sent prior to this procedure in an attempt to resolve the matter amicably (see, e.g., *WhatsApp LLC v. Registration Private, Domains By Proxy, LLC / shalih irshad*, WIPO Case No. [D2022-2236](#)).

Accordingly, the Panel finds that the Domain Names have been registered and are being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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 names <meegapersonal.com> and <megaapersonall.com> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: April 12, 2023