

## **ADMINISTRATIVE PANEL DECISION**

DataRobot, Inc. v. Mary Antonucci  
Case No. D2023-2516

### **1. The Parties**

The Complainant is DataRobot, Inc., United States of America, represented by Foley & Lardner, United States of America.

The Respondent is Mary Antonucci, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <datarobotcareers.com> (“the Disputed Domain Name”) is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 9, 2023. On June 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same day, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 14, 2023, 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 June 16, 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 June 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 10, 2023.

The Center appointed Colin T. O’Brien as the sole panelist in this matter on July 11, 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 operates a machine learning cloud-based platform for automating and accelerating predictive analytics, helping data scientists and analysts build and deploy accurate predictive models in a fraction of the time required by other solutions. Since at least 2014, the Complainant, including via its predecessors in interest, has used DATAROBOT as a trademark, alone or in combination with other word or design elements, in connection with the Complainant's technology solutions.

The Complainant has applied for and registered forty-one (41) trademark registrations in over twenty-one (21) countries that consist solely of or feature the DATAROBOT trademark including:

- Canada DATABOBOT Registration Number TMA993375, registration date March 28, 2018;
- United States of America DATAROBOT Registration Number 4601957, registration date September 9, 2014;
- United Kingdom DATAROBOT Registration Number WO0000001231491, registration date December 3, 2015;
- United Kingdom DATAROBOT and Design Registration Number UK00801457034, registration date August 27, 2019.

The Complainant has exclusively owned and operated the <datarobot.com> domain name since at least as early as June 28, 2004.

The Disputed Domain Name was registered on May 12, 2023.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Respondent is using the Disputed Domain Name to spoof and impersonate the Complainant and its legitimate website and webpage to (i) promote fraudulent job postings for positions at the Complainant's company, (ii) send fraudulent emails using the "@datarobotcareers.com" email suffix, and (iii) obtain sensitive personal and/or financial information from consumers.

On May 15, 2023, an individual, who mistakenly believed he was applying for a genuine position with the Complainant, received an email from the Respondent impersonating the Complainant's hiring team. The Respondent attempted to deceive the applicant into sharing very sensitive personal information, including the applicant's home address and personal phone number. To make the fraudulent scheme appear genuine, the Respondent copied the content of the Complainant's actual websites and used the following email that incorporates the Subject Domain Name: "[...]@datarobotcareers.com". The Respondent used the official business address for the Complainant and falsely claimed to be hiring for a "Web Developer Remote Position" with the Complainant. Additionally, the Respondent also attached a Document titled "DataRobot Inc.....[Applicant Name]," consisting of a fraudulent employment offer letter allegedly from the Complainant's CEO, and featuring the Complainant's logo and business address. The Respondent also attached documents consisting of images of the front and back of a check allegedly from the Complainant and made out to the individual applicant, containing the Complainant's logo and business address.

The Respondent's use of the Disputed Domain Name in the manner outlined is a blatant attempt to confuse and mislead – for fraudulent and criminal purposes – the public and prospective employees into falsely believing that they have been hired by the Complainant and sharing personal information with the Complainant. This is a calculated and illegal attempt to deceive the public.

The Disputed Domain Name is highly similar to the Complainant's DATAROBOT mark. The Disputed Domain Name incorporates the identical DATAROBOT mark and merely adds the word "careers." Adding terms that relate to the Complainant's businesses, such as the term "careers," which relates to Complainant's recruitment of potential employees for careers with the Complainant is not sufficient to remove the Disputed Domain Name from the realm of confusing similarity.

The Respondent is not commonly known by the Disputed Domain Name or any derivation of the same; and (ii) the Respondent's use of the Disputed Domain Name does not constitute a *bona fide* offering of goods/services, nor does it constitute a noncommercial use or fair use of the Disputed Domain Name.

The Respondent can show no *bona fide* use nor any legitimate noncommercial or fair use of the Disputed Domain Name. The Disputed Domain Name resolves to a webpage that is currently inactive, inaccessible, and cannot be reached. Panels have consistently found that using domain names to resolve to inactive or inaccessible websites, or passively holding disputed domain names, does not amount to a *bona fide* use or a legitimate noncommercial or fair use of the domain names such that respondents can establish rights or legitimate interests in the disputed domain names.

The Respondent's use of the Disputed Domain Name to impersonate the Complainant for the fraudulent and criminal purpose of soliciting personal and/or financial information from consumers, including prospective the Complainant's employees, constitutes bad faith under the Policy.

The evidence and the totality of the circumstances surrounding the use and registration of the Disputed Domain Name undoubtedly demonstrates that the Respondent had actual knowledge of the Complainant and its DATAROBOT marks before registering the Disputed Domain Name. The Complainant has continuously and exclusively used the DATAROBOT marks since at least as early as 2014, and since then, the Complainant and its various DATAROBOT marks have become well known and have established goodwill in the worldwide marketplace. It is inconceivable that the Respondent did not have actual knowledge of the Complainant and its rights in the DATAROBOT marks before registering the Disputed Domain Name, especially considering that the Disputed Domain Name incorporates the Complainant's registered DATAROBOT mark.

## **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 well-known DATAROBOT mark and has shown that no other entity has rights in or uses the Complainant's mark. The addition of "careers" does not prevent the Complainant's trademark from being recognizable in the Disputed Domain Name. The generic Top-Level Domain ("gTLD") ".com" 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 confusingly similar 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 1.8 and 1.11.1, and *F. 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 Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

## **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 DATAROBOT mark indicates that the Respondent sought to piggyback on the mark for illegitimate reasons.

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](#).

The Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Moreover, the Disputed Domain Name incorporates the Complainant's trademark in its entirety along with the "careers", potentially conveying to unsuspecting Internet users the false belief that any email connected to the Disputed Domain Name is associated with the Complainant. Such a risk of affiliation or association with the Complainant and its mark cannot constitute fair use.

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 years after the Complainant first registered and used its DATAROBOT marks. The evidence provided by the Complainant with respect to the extent of use and fame of its DATAROBOT marks 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 widely-known DATAROBOT marks, and knew it had no rights or legitimate interests in the Disputed Domain Name.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) 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](#).

There is *prima facie* no reason for the Respondent to have registered the Disputed Domain Name containing the entirety of the DATAROBOT trademark. While the Disputed Domain Name does not resolve to an active website there is ample evidence of bad faith use on the part of the Respondent specifically using it as a way to secure potentially sensitive personal information for individuals thinking they are applying to have a job with the Complainant. UDRP panels have found 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. See section 3.4 of the [WIPO Overview 3.0](#).

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, <datarobotcareers.com>, be transferred to the Complainant.

/Colin T. O'Brien/

**Colin T. O'Brien**

Sole Panelist

Date: July 26, 2023