

## **ADMINISTRATIVE PANEL DECISION**

Jürgen Neeme v. Super Privacy Service LTD c/o Dynadot / Aaron Oxborrow  
Case No. D2022-2650

### **1. The Parties**

The Complainant is Jürgen Neeme, Germany, represented by Defiende tu Idea, Chile.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States of America (“United States”) / Aaron Oxborrow, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 20, 2022. On July 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 20, 2022, the Registrar 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 July 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2022. Upon the request of the Respondent, the due date was extended to August 18, 2022. The Response was filed with the Center on August 18, 2022.

The Center appointed Nick J. Gardner as the sole panelist in this matter on August 30, 2022. 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 and the Respondent are both individuals in business buying and selling domain names. They are in dispute about a transaction where the Respondent says the Complainant has reneged upon an agreement to sell him certain domain names but kept the money he was paid. As a result the Respondent registered the Disputed Domain Name on July 15, 2020. It resolves to a website (the Respondent's Website") in which the Respondent is highly critical of the Complainant (see below).

The Complainant does not have any registered trademark comprising the term "jurgenneeme" or any variation thereof.

On July 12, 2022, in reply to a communication from the Complainant's representatives, the Respondent sent the following email:

"Below are the 6 [.IO] domains that Jurgen owes me from the original deal:

[...]

I would estimate these names to be worth more than \$100,000 in today's market. I would consider the matter closed for a payment of \$50,000. I would be happy to transfer the [<JurgenNeeme.com>] domain in return. The payment and domain transfer can be handled by [<Escrow.com>], where my account is under the email "[redacted]@pastedesign.com". The escrow fees should be paid for by your side".

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

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

The Complainant's contentions can be summarized as follows.

The Complainant says he is a recognized businessman, and domainer, who has been using his personal name as a trademark for the purchase and sale of domain names since 2011.

He says that even though his personal name is not registered, it has become a distinctive identifier in the domain name business and is therefore protected by common law. He says this is verified, for example, through a search for the name "Jurgen Neeme" on the Internet, which demonstrates that all the results are linked to Jürgen Neeme and his business in the field of domain names. He refers to a number of previous UDRP cases to argue that the Rules do not require that the Complainant's trademark be registered by a government authority or agency for such a right to exist. Where relevant these are discussed below. He relies on the fact that his name appears to be unique, and has acquired "a certain fame and notoriety on the [i]nternet". He says that since 2011 he has bought and sold large numbers of domain names using his name.

The Complainant says the Respondent has no rights or legitimate interests in the term "jurgenneeme". He says the Respondent's Website cannot establish a legitimate interest as a criticism site when the Disputed Domain Name comprises the Complainant's name and trademark in its entirety and without qualification. He also says that the Respondent is seeking economic gain by his use of the Disputed Domain Name which precludes a legitimate interest as a criticism site.

The Complainant says the Disputed Domain Name was registered and is being used in bad faith. He relies on the fact that the Respondent states on the Respondent's Website that the six domain names the subject of the dispute would have a value of "at least" USD 3,000 but that when the Respondent was approached via email to address the conflict and find a solution, the Respondent requested USD 50,000 for transferring the Disputed Domain Name to the Complainant.

## B. Respondent

It is simplest to quote the Response in its entirety:

“Here is my response regarding JurgenNeeme.com.

Jurgen Neeme does not use his own name to identify his business of selling domain names. He has no existing website or any materials under his name. The majority of search results for his name point to the many previous UDRP cases he has lost. For someone who owns tens of thousands of domains, he has not registered a single domain containing his own name. His domain business is conducted entirely through marketplaces like Afternic.com, Sedo.com, and Dan.com, which do not publicize his name at all. The invoices his lawyer attached are only sent to him after a sales transaction is completed. The only public identifier he uses to sell domains is TheDomain.io.

My website JurgenNeeme.com should be considered fair use. There can be no confusion when the title is "How Jürgen Neeme ripped me off". I built the site to warn others about the danger of doing business with Jurgen Neeme. Everything on the website is 100% true -- he defrauded me of thousands of dollars and freely admits to doing so (see attached emails). Even his own lawyer confirms in this complaint that he illegally held domains back, and only disputes their subjective value. My website is a public service to help others avoid getting ripped off. Jurgen has a long history of fraud and many victims. Since the website has been up, multiple people have contacted me to share their stories. One of those was his previous employer, Opus Online, who contacted me to let me know they did not want to be associated with him and were proceeding with legal actions against him (see attached email). My website is a very clearly marked and **\*\*well deserved\*\*** criticism of Jurgen Neeme.

When Jurgen's lawyer first contacted me, I was hopeful that Jurgen was ready to finally make good after 2 years of silence. I have never reached out to try and sell him the domain, nor did I expect to gain anything financially from the domain itself. I only wanted to publicize the issue and found the domain was freely available in July 2020, and is an exact SEO match for the topic at hand. The domain was registered to create a critical website about Jurgen Neeme, not to hold for ransom. If Jurgen was to make restitution for the wire fraud he committed, I would consider deleting the domain and closing the matter”.

## 6. Discussion and Findings

### Procedural Matters

This is a case where one Respondent (Super Privacy Service LTD c/o Dynadot) appears to be a privacy or proxy service.

The Panel in this case adopts the approach of most UDRP panels, as outlined in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) at section 4.4.5, as follows:

“Panel discretion

In all cases involving a privacy or proxy service and irrespective of the disclosure of any underlying registrant, the appointed panel retains discretion to determine the respondent against which the case should proceed.

Depending on the facts and circumstances of a particular case, *e.g.*, where a timely disclosure is made, and there is no indication of a relationship beyond the provision of privacy or proxy registration services, a panel may find it appropriate to apply its discretion to record only the underlying registrant as the named respondent. On the other hand, *e.g.*, where there is no clear disclosure, or there is some indication that the privacy or proxy provider is somehow related to the underlying registrant or use of the particular domain name, a panel may find it appropriate to record both the privacy or proxy service and any nominally

underlying registrant as the named respondent.”

In the present case the Panel considers the substantive Respondent to be Aaron Oxborrow and references to the Respondent are to that person.

### **Substantive Matters**

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainants must satisfy the Panel that:

(i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;

(iii) the Disputed Domain Name has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The first hurdle the Complainant has to overcome is establishing that he has unregistered trademark rights in his name. As appears above, the Respondent expressly denies that this is the case and explains the basis for his denial. It is in the Panel’s opinion necessary to consider carefully the evidence that relates to this issue.

In doing so the Panel accepts entirely the Complainant’s argument that in appropriate cases relevant rights can subsist in an unregistered personal name. But whether such rights actually subsist in a given case depends on the facts. The relevant principles are stated at [WIPO Overview 3.0](#), section 1.5.2: “The UDRP does not explicitly provide standing for personal names which are not registered or otherwise protected as trademarks. In situations however where a personal name is being used as a trademark-like identifier in trade or commerce, the complainant may be able to establish unregistered or common law rights in that name for purposes of standing to file a UDRP case where the name in question is used in commerce as a distinctive identifier of the complainant’s goods or services. Merely having a famous name (such as a businessperson or cultural leader who has not demonstrated use of their personal name in a trademark/source-identifying sense), or making broad unsupported assertions regarding the use of such name in trade or commerce, would not likely demonstrate unregistered or common law rights for purposes of standing to file a UDRP complaint”.

So far as this case is concerned the Panel considers the following to be pertinent.

There is no dispute that Jurgen Neeme is the Complainant’s given name. It also appears on the evidence that the name is unique to the Complainant – certainly there is no evidence of any other individual having that name. It also appears clear that the Complainant has traded in domain names since 2011 as an individual and has not used any corporate vehicle in this regard.

However the manner in which the Complainant has traded requires careful analysis.

There is no evidence that the Complainant has promoted himself or advertised domain names for sale under his own name on the Internet (*e.g.*, via a website or on social media).

There is no evidence of the Complainant ever having advertised domain names for sale under his own name in any other form of media.

There is no evidence of the Complainant ever having written any article or publications under his own name.

There is no evidence of any third party publication of any kind (apart from UDRP decisions – see below) making reference to the Complainant.

There is no evidence from any third party that they regard the Complainant's name as a source identifier in relation to the sale or purchase of domain names.

The above listed absence of evidence would seem to suggest that the Complainant's name, despite being unique, has not been used in a manner which would give rise to unregistered trademark rights accruing in that name. What then is the evidence the Complainant relies upon?

The Complainant has placed in evidence the results of a Google search against his name. This only appears to return nine results. The first is the Respondent's Website. The second and third are links to the Complainant's own LinkedIn and Facebook profiles respectively. The next two relate to UDRP cases involving the Complainant (see further below). The remaining entries appear to be to websites with reverse search facilities showing websites or email addresses which have some linking to the Complainant's name. The Panel is not convinced that any of these entries show the Complainant's name being used as a source identifier in a business sense or establish common law rights in his name.

The Complainant has also placed in evidence payment notifications from SEDO, the well-known selling organisation, which are addressed to him in his own name. These would indicate that when selling a domain name through SEDO he has registered with that organisation using his own name. He has also placed in evidence invoices from escrow.com and dan.com to similar effect. None of these however show how the domain names in question were advertised for sale and whether or not that was under the Complainant's name, nor do they show any other public customer facing use of the Complainant's name.

The Complaint itself says that the Complainant "has acquired a certain fame and notoriety on the [i]nternet". It does not explain exactly what is meant by that statement. In accordance with the position noted in paragraph 4.8 of [WIPO Overview 3.0](#), the Panel has performed limited factual research to assist it in further clarifying matters relied upon by the Complainant. It would appear that the Complainant has been the respondent in a number of previous UDRP decisions (more than fifteen). It appears to the Panel that in most, if not, all of those cases the complaint in question succeeded. See for example *Verizon Trademark Services LLC v. Juergen Neeme, TheDomain.io*, WIPO Case No. [D2018-1125](#); *Carrefour SA v. Jurgen Neeme, hello@thedomain.io, Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Silvia Neeme and Jay Neeme*, WIPO Case No. [D2020-2088](#); *Facebook, Inc., Instagram, LLC, WhatsApp Inc., Facebook Technologies, LLC v. Jurgen Neeme, hello@thedomain.io and Jay Neeme*, WIPO Case No. [D2019-1582](#), and so on.

The only other evidence before the Panel that might be relevant to establishing whether the Complainant has established notoriety as a result of these decisions is a link that appears on the Respondent's Website to an Australian article entitled "Beware Of Unauthorised Business Use – UBU" which contains a passage as follows: "The Scammers. One name in particular stands out. That is "Jurgen Neeme". He mainly operates with the email address [redacted]@thedomain.io – another is [redacted]@opus.ws. He uses the details of unknowing genuine businesses for his eligibility. Another common denominator is that he seems to use auDA accredited registrars that have an overseas presence. This guy and his cohorts have some form. This is just one WIPO decision – along with some choice quotes below: [the article then contains quotations from WIPO Case No. [D2019-1582](#) (above)]". This article does not in the Panel's opinion indicate the Complainant's name being recognised as a source identifier – it is simply being used to identify the Complainant.

In any event the Panel does not consider that the fact of the Complainant's status as a losing respondent in a number of other UDRP cases can in itself establish a reputation that gives rise to common law rights in his name. Apart from these cases and the article quoted above there is no evidence that the Complainant has any other fame or notoriety in his name.

Taking all of this into account the evidence would seem to be precisely consistent with what the Respondent says, namely "Jurgen Neeme does not use his own name to identify his business of selling domain names. He has no existing website or any materials under his name. The majority of search results for his name point to the many previous UDRP cases he has lost. For someone who owns tens of thousands of domains,

he has not registered a single domain containing his own name. His domain business is conducted entirely through marketplaces like Afternic.com, Sedo.com, and Dan.com, which do not publicize his name. The invoices his lawyer attached are only sent to him after a sales transaction is completed. The only public identifier he uses to sell domains is TheDomain.io”.

The Panel is not familiar with TheDomain.io. On an inspection by the Panel it appears that domain name is configured to redirect web access to Sedo’s website. There was no indication of anything relating to the Complainant’s name during the course of such access and redirection.

Overall, and without opining on whether the Complainant may have a cause of action elsewhere, the Panel does not consider that the evidence establishes that the Complainant’s name has been used in a source identifying manner which would give rise to unregistered trademark rights.

Accordingly the Panel declines to find that the Complainant has any applicable trademark for the purposes of the Policy. It follows that the first condition of paragraph 4(a) of the Policy has not been fulfilled.

#### **B. Rights or Legitimate Interests**

Given the Panel’s finding in relation to paragraph 4(a)(i) of the Policy (above) this issue does not need to be determined.

#### **C. Registered and Used in Bad Faith**

Given the Panel’s finding in relation to paragraph 4(a)(i) of the Policy (above) this issue does not need to be determined.

### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Nick J. Gardner/*

**Nick J. Gardner**

Sole Panelist

Date: September 13, 2022