

## **ADMINISTRATIVE PANEL DECISION**

### **ZipRecruiter, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico Case No. D2023-1774**

#### **1. The Parties**

The Complainant is ZipRecruiter, Inc., United States of America, represented by SafeNames Ltd., United Kingdom.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

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

The disputed domain name <pziprecruiter.com> is registered with GoDaddy.com, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 20, 2023. On April 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Registration Private, Domains By Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 27, 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 April 27, 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 May 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 30, 2023.

The Center appointed Aaron Newell as the sole panelist in this matter on June 12, 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 based in the United States and has operated as a recruitment consultancy, matching job seekers and employers, since 2010. Its primary markets appear to be the United States and United Kingdom. It is a multiple-award winning business.

According to the Complainant, it attracts millions of job seekers and thousands of potential employers to its services every month. It claims to have served over 1,000,000 employers and 120 million job seekers as at 2017. There are no indications that its business has deteriorated in a meaningful way since this time.

From the Complainant's evidence it appears that it has consistently used the name ZIPRECRUITER in respect of its services and as its house brand, and that it owns trade mark registrations for ZIPRECRUITER in a number of territories including the United States, Canada, the United Kingdom and the European Union. Its earliest trade mark application for ZIPRECRUITER was filed in 2011. The Complainant has also provided evidence of a number of active social media accounts operated by reference to the ZIPRECRUITER name.

The Complainant has succeeded in a number of earlier UDRP Complaints, two of these being against the same Respondent in the present case.

The disputed domain name was registered on February 22, 2023. The Complainant provides evidence that the disputed domain name has in the past resolved to a pay-per-click ("PPC") advertising page, promoting third party online recruitment services under the headings "Job Search", "Employee Recruiting Software", "Staffing".

The Panel notes that the Respondent did not respond to the Complaint or otherwise engage in the proceedings.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant asserts that:

- i) apart from a typographical error by way of the initial letter "p" in pziprecruiter.com, the disputed domain name is identical or confusingly similar to the Complainant's ZIPRECRUITER trade mark, in which it has various registered rights;
- ii) the Respondent does not have any trade mark rights in the names PZIPRECRUITER or ZIPRECRUITER or any similar term;
- iii) in the circumstances, no rights or legitimate interests arise from the Respondent's use of the domain name for PPC advertising;
- iv) it has raised a *prima facie* case that the Respondent lacks rights or a legitimate interest in the domain name, that it has therefore shifted the burden to Respondent to demonstrate its rights or legitimate interest, and the Respondent has failed to do so;
- v) the conduct outlined above (in particular the use of a typo-variant of the Complainant's trade mark, and its use for PPC advertising) is evidence that the Respondent has used the Complainant's rights and the domain name in a confusing way for commercial benefit, and that this amounts to evidence of bad faith use and registration;

- vi) the allegation of the Respondent's bad faith use and registration is reinforced by the fact that the Complainant sent a cease and desist letter to the Respondent, and the Respondent ignored the letter rather than provide a justification for its conduct.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and used in bad faith.

The Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant (see, e.g., *Airbus SAS, Airbus Operations GmbH v. Alesini Pablo Hernan / PrivacyProtect.org*, WIPO Case No. [D2013-2059](#)). However, the Panel may draw appropriate inferences from the Respondent's lack of a Response.

The Panel finds as follows:

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

Given that the disputed domain name i) contains the Complainant's ZIPRECRUITER trade mark in full, and ii) differs only by addition of the letter "p" at the beginning of the domain name, creating a misspelling or typo-variant of the Complainant's trade mark, the Panel finds that the Complainant has satisfied the first criteria.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9 in respect of the typo-variant point: 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 mark for purposes of the first element.

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

By way of its contentions outlined at 5 A (ii) through (vi) above, the Complainant has shifted the burden to the Respondent to positively demonstrate rights or a legitimate interest.

The Respondent has failed to respond, has not rebutted the Complainant's contentions and has therefore failed to discharge this burden.

For avoidance of doubt, it should be noted that the use of a typo-variant domain name to generate PPC advertising normally cannot give rise to rights or a legitimate interest, as such use is tantamount to impersonation and is commercial in nature (see [WIPO Overview 3.0](#), sections 2.13, 2.5.3).

The Panel finds that the Complainant has satisfied the second requirement.

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

The Complainant has provided evidence that the Respondent has intentionally used the Complainant's trade mark in typosquatting conduct that is intended to misdirect Internet traffic for the purposes of i) commercial gain and/or ii) the promotion of third party services that appear to compete with those of the Complainant.

This falls squarely within the non-exhaustive examples of bad faith registration and use set out in the Policy, specifically the example set out in sub-paragraph 4(b)(iv):

- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant's evidence is convincing and the Respondent has done nothing to challenge it.

The Panel finds that the Complainant has satisfied the third requirement.

### **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 <pziprecruiter.com> be transferred to the Complainant.

*/Aaron Newell/*

**Aaron Newell**

Sole Panelist

Date: June 26, 2023