

## **ADMINISTRATIVE PANEL DECISION**

**MBK Rental Living, LLC v. Host Master, Transure Enterprise Ltd**  
**Case No. D2023-1914**

### **1. The Parties**

Complainant is MBK Rental Living, LLC, United States of America (“U.S.”), represented by Newmeyer & Dillion LLP, U.S.

Respondent is Host Master, Transure Enterprise Ltd, U.S.

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

The disputed domain name <mbkrentaliving.com> is registered with Above.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2023. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 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 (Jane Doe) and contact information in the Complaint. The Center sent an email communication to Complainant on May 2, 2023, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 5, 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 31, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on June 6, 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

Complainant is a developer of residential apartment buildings. Complainant owns registrations for the MBK RENTAL LIVING service mark, including U.S. Trademark Registration No. 6019888, registered March 24, 2020, in International Class 37, with a first use in commerce date of April 1, 2019.

The disputed domain name was registered March 10, 2023, and currently redirects Internet users to the webpage at “www.chegg.com”. At other times, the disputed domain name has resolved to a parking page displaying pay-per-click (“PPC”) links to third-party websites.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant submits brief allegations supplementing the titles and references to the Policy contained in the WIPO Model Complaint.

In its allegations concerning paragraph 4(a)(i) of the Policy (identity or confusing similarity to a complainant’s trademarks), Complainant describes its trademark registrations and makes reference to the website to which the disputed domain name resolves.

Addressing paragraph 4(a)(ii) of the Policy (rights or legitimate interests), Complainant alleges:

“Respondent does not have any registration of a trademark for MBK Rental living or anything similar, and the Respondent’s website simply seems to be an action to squat on a similar domain name, and redirects users to ‘chegg.com.’”<sup>1</sup>

Addressing paragraph 4(a)(iii) (bad faith) of the Policy, Complainant alleges:

“Respondent’s website simply seems to be an action to squat on a similar domain name, and redirects users to chegg.com”.

Complainant appends annexes to the Complaint, including trademark registration searches, Whois records, and press releases announcing Complainant’s building projects.

On the basis of the above, Complainant seeks transfer.

##### B. Respondent

Respondent did not reply to Complainant’s contentions.

#### 6. Discussion and Findings

For Complainant to prevail under the Policy, it must be established that (1) the disputed domain name is identical or confusingly similar to Complainant’s MBK RENTAL LIVING trademark, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith. Policy, paragraph 4(a).

The fact that Respondent has not provided any Response does not, by itself, mean that Complainant prevails. In the absence of a Response, however, the Panel may also accept as true reasonable factual allegations in the Complaint. See, e.g., *ThyssenKrupp USA, Inc. v. Richard Giardini*, WIPO Case No. [D2001-1425](#) (citing *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#)).

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<sup>1</sup>Complainant’s entire allegations respecting Policy paragraphs 4(a)(ii) & (iii) are set forth here, in light of their brevity.

## A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to Complainant's marks for purposes of the Policy.

UDRP panels commonly disregard Top-Level Domains ("TLDs") in determining whether a disputed domain name is identical or similar to a complainant's marks. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

Omitting the ".com" TLD, the Panel notes that the disputed domain name nearly replicates Complainant's mark in total, having skipped only a single letter "l". In all other respects, the disputed domain name is identical to Complainant's the MBK RENTAL LIVING service mark. The Panel finds that such typosquatting by Respondent does not prevent a finding of confusing similarity. See, e.g., [WIPO Overview 3.0](#), section 1.9.

The Panel therefore rules that the disputed domain name is confusingly similar to Complainant's mark and concludes that the first element of paragraph 4(a) of the Policy is established.

## B. Rights or Legitimate Interests

The Panel also concludes that Respondent has no rights or interests in the disputed domain name, as elaborated below.

The Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in a domain name. The list includes: (1) using the domain name in connection with a *bona fide* offering of goods and services; (2) being commonly known by the domain name; or (3) making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers. Policy, paragraphs 4(c)(i) – (iii).

A complainant must show a *prima facie* case that a respondent lacks rights or legitimate interests in a disputed domain name, after which the burden of production passes to the respondent. See, e.g., [WIPO Overview 3.0](#), section 2.1. The absence of rights or legitimate interests is established if a complainant makes out a *prima facie* case and the respondent enters no Response. *Id.*

The Panel accepts Complainant's undisputed averment that Respondent does not have any trademark registration for "MBK Rental living or anything similar".

Although Complainant does not address the question, it also appears from the record that Respondent is not commonly known by the disputed domain name.

As alleged by Complainant, the disputed domain name currently redirects Internet users to "www.chegg.com", a commercial website that appears to be unrelated to Complainant's business under the MBK RENTAL LIVING trademark.<sup>2</sup> The Panel has also seen evidence that the website to which the disputed domain name routes was used at times to display a parking page with third-party PPC links that appear to be unrelated to Complainant's business and trademarks. Given the composition of the disputed domain name, the Panel finds that such redirection and the display of such third-party PPC links does not create a legitimate noncommercial or fair use of the disputed domain name. E.g., [WIPO Overview 3.0](#), section 2.5.3.

A *prima facie* case has been established. Having refrained from replying to the Complaint, Respondent has not rebutted that case and the Panel concludes that the requirements of Policy, paragraph 4(a)(ii) are met.

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<sup>2</sup> The Panel has undertaken limited research by visiting the website to which the disputed domain name resolves. See e.g., [WIPO Overview 3.0](#), section 4.8.

### C. Registered and Used in Bad Faith

Again, despite a lack of detail in Complainant's allegations respecting bad faith, it is clear from the record that the disputed domain name was registered and used in bad faith under Policy, paragraph 4(b)(iv).<sup>3</sup>

Respondent is a well-known cybersquatter. Since 2008, transfer has been ordered against Respondent in hundreds of other UDRP proceedings filed with the Center. See, e.g., *LEGO Juris A/S v. Above.com Domain Privacy/ Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2012-0377](#); *Association des Centres Distributeurs, E. Leclerc - A.C.D. Lec v. Transure Enterprise Ltd*, WIPO Case No. [D2021-4109](#); and, *Tenaris Connections BV v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2022-3907](#).

In this clear case of typosquatting, Respondent almost replicated Complainant's entire registered mark in the confusingly similar disputed domain name, omitting *only* a single letter.

It is obvious to the Panel that Respondent sought to mislead Internet users trying to reach Complainant's websites and business for commercial gain. The display (or permitting the display) of PPC links on the website to which the disputed domain name resolves, and also to redirect Internet users to a third-party webpage, evidences Respondent's bad faith registration and use.<sup>4</sup>

Use of the disputed name in bad faith is further evidenced by Respondent's failure to submit a response to the Complaint and Respondent's failure to provide accurate contact details as required by Respondent's agreement with the registrar.<sup>5</sup> [WIPO Overview 3.0](#), section 3.2.1.

The Panel concludes, therefore, that the requirements of the third element of Policy, paragraph 4(a) are 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 name <mbkrentaliving.com> be transferred to Complainant.

*/Jeffrey D. Steinhardt/*

**Jeffrey D. Steinhardt**

Sole Panelist

Date: June 20, 2023

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<sup>3</sup> Under policy, paragraph 4(b), bad faith is found where a respondent "intentionally attempted to attract, for commercial gain, Internet users to [a respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] web site or location . . . ."

<sup>4</sup> See, e.g., *The Bear Stearns Companies Inc. v. Darryl Pope*, WIPO Case No. [D2007-0593](#) ("[t]he Panel is free to infer that Respondent is likely receiving some pecuniary benefit [...] in consideration of directing traffic to that site" (citing *COMSAT Corporation v. Ronald Isaacs*, WIPO Case No. [D2004-1082](#))).

<sup>5</sup>Notification of the Complaint by courier was not possible using the faulty registrant address details provided by Respondent.