

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. Milen Radumilo
Case No. D2023-3854

1. The Parties

The Complainant is ZipRecruiter, Inc., United States of America (“United States”), represented by Safenames Ltd., United Kingdom.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <ziprecruiterm.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 September 15, 2023. On September 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 15, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 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 September 20, 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 September 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 17, 2023.

The Center appointed Mariia Koval as the sole panelist in this matter on October 23, 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, founded in 2010, is an American online recruitment company, providing services for both individuals and commercial entities. The Complainant attracts more than seven million active job seekers and 10,000 new companies each month and has over 40 million job alert email subscribers. Since its inception in 2010, the Complainant has served more than one million employers and 120 million job seekers. The Complainant has been recognized as one of the fastest-growing technology companies in North America and was ranked 350 in Deloitte's 2019 Technology Fast 500. It was also named on Fast Company's 2019 list of "The World's Most Innovative Companies" within the "Enterprise' sector". The Complainant has further been the recipient of several G2 Awards. The Complainant is frequently featured in lists collating the best online job recruitment services.

The Complainant is the owner of a number of ZIPRECRUITER trademark registrations (the "ZIPRECRUITER Trademark") in multiple jurisdictions, among which are:

Trademark	Jurisdiction	Registration No.	Registration Date	International Class(es)
ZIPRECRUITER	United States	3934310	March 22, 2011	42
ZIPRECRUITER	European Union	015070873	June 13, 2016	9, 36, 41, 42
ZIPRECRUITER	United Kingdom	UK00915070873	June 13, 2016	9, 36, 41, 42
ZIPRECRUITER	Canada	TMA979480	August 28, 2017	9, 41, 42

The Complainant's online platform is the foundation of its business. It allows employers to post jobs and manage applications, and enables job seekers to search for and receive alerts regarding the latest job posts. The Complainant primarily operates the domain name <ziprecruiter.com> (which received an average of more than 35 million visits per month between October and December, 2022), but also other domain names <ziprecruiter.co.uk>, <ziprecruiter.fr>, <ziprecruiter.us>, and <ziprecruiter.co.nz>. Moreover, the Complainant offers a popular mobile application, available on both Google Play and the Apple Store, which has been downloaded more than five million times on Google Play Store. Furthermore, the Complainant is active on social media, promoting their products and service online under the ZIPRECRUITER Trademark, particularly on Facebook, Twitter, Instagram, and YouTube.

The Disputed Domain Name was registered on June 30, 2023. The Disputed Domain Name dynamically resolves to various websites including a parked webpage, containing different pay-per-click ("PPC") links to third party websites with the links related to online hiring platforms that are competitive of the Complainant, and a website which compelled Internet users to download an application named "McAfee Total Protection", that is likely to be malware. Moreover, the Disputed Domain Name is offered on sale on a third-party platform for the price of USD 799. The Complainant sent a cease and desist letter to the Respondent on July 14, 2023 through the Registrar's contact form, but no response was received from the Respondent.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the Disputed Domain Name is confusingly similar to the Complainant's ZIPRECRUITER Trademark in view of the ZIPRECRUITER Trademark is clearly recognizable in the Disputed Domain Name with the addition of the letter "m".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. To the best of the Complainant's knowledge, the Respondent does not have any trademark rights to the term "ziprecruiter", "ziprecruitem", nor any similar term. There is also no evidence that the Respondent retains any unregistered trademark rights to ZIPRECRUITER. Neither has the Respondent received any license from the Complainant to use a domain name featuring the ZIPRECRUITER Trademark.

The Complainant submits that the Disputed Domain Name currently resolves to a webpage that compels Internet users to verify themselves and then download an application named "McAfee Total Protection" (Annex 12 to the Complaint). This website induces Internet users to download malware or, at least, unauthorized software. Such a website is designed to take advantage of the Complainant's ZIPRECRUITER Trademark in order to offer for download malicious software. Such use has been repeatedly held not to be a *bona fide* offering of goods or services.

Additionally, the Respondent advertises the Disputed Domain Name for sale on the third-party platform for USD 799. This evidence sufficiently shows that the Respondent's other primary purpose for the Disputed Domain Name's registration is to generate undue profit based on the Disputed Domain Name's value as a trademark (Annex 13 to the Complaint). Such use does not confer a genuine offering of goods or services and also does not fall under any of the circumstances which constitute evidence of *bona fide* use of the Disputed Domain Name.

Moreover, the Complainant submits that the Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Name, as it is used to host PPC links for Internet users, which generate monetary revenue by misleadingly diverting online users to third-party websites (Annex 14 to the Complaint).

The Complainant also submits that the Respondent is not known, nor has ever been genuinely known by the ZIPRECRUITER Trademark, nor by term "ziprecruitem" or anything similar. Therefore, there is no plausible reason for the registration and use of the Disputed Domain Name, other than the motive of taking advantage of the goodwill and reputation attached to the ZIPRECRUITER Trademark. Clearly, the mere ownership of the Disputed Domain Name does not confer a right or legitimate interest on the Respondent.

The Complainant asserts that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following:

- the Complainant's ZIPRECRUITER Trademark registration predates the registration date of the Disputed Domain Name by over 10 years;
- the ZIPRECRUITER Trademark has obtained substantial goodwill since the Complainant's establishment in 2010;
- the ZIPRECRUITER Trademark has become synonymous with online job hunting and recruitment;
- searching "ziprecruiter" or "ziprecruitem" on popular Internet search engines such as Google list the Complainant's ZIPRECRUITER Trademark and services as the first result;
- any average Internet user has access to the ZIPRECRUITER Trademark registrations, as they can be found on public trademark databases;
- the Disputed Domain Name replicates the ZIPRECRUITER Trademark with the addition of the letter "m", which is not sufficient enough to alleviate the confusing similarity between the Complainant's ZIPRECRUITER Trademark and the Disputed Domain Name;
- the Complainant sent a cease and desist letter to the Respondent on July 14, 2023 in order to put the Respondent on notice of the Complainant's ZIPRECRUITER Trademark and rights and with a view to resolving the matter amicably but the Respondent chose not to respond;
- the Respondent advertises the Disputed Domain Name for sale on the third-party platform for USD 799. Such price is far beyond what would reasonably be expected within the Respondent's out-of-pocket costs related to the Disputed Domain Name;
- the Respondent was involved in 309 UDRP disputes, all of which resulted in the transfer of the domain names to the complainants. Therefore, the Respondent has engaged in a pattern of abusive conduct against different marks;

- the Disputed Domain Name is used to direct Internet users to a webpage that displays PPC hyperlinks, which constitutes a clear attempt to generate commercial gain by misleading online users with the Disputed Domain Name;
- the Complainant reiterates the risk that the Disputed Domain Name is being used to carry out fraudulent activity such as the distribution of malware or malicious software by compelling Internet users to download “McAfee Total Protection” (Annex 12 to the Complaint). The users are redirected multiple times to third-party websites, before landing on a page encouraging the users to download software from an unauthorized source;
- the Respondent activated the mail exchange (MX) records for the Disputed Domain Name (Annex 18 to the Complaint). The presence of MX records suggests the Respondent could engage in phishing activity through email distribution, given the evidently implied affiliation with the Disputed Domain Name due to the Complainant’s ZIPRECRUITER Trademark.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical 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; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has properly confirmed its rights in the ZIPRECRUITER Trademark due to the long use and significant number of registrations worldwide. The Panel notes that the registration of the Complainant’s ZIPRECRUITER Trademark significantly predates the registration of the Disputed Domain Name.

The Disputed Domain Name reproduces the ZIPRECRUITER Trademark in its entirety with the addition of the letter “m” and the generic Top-Level Domain (“gTLD”) “.com”. The Disputed Domain Name appears to be an example of typosquatting, *i.e.*, a misspelling of the Complainant’s ZIPRECRUITER Trademark. According to the the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9, 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. The Panel finds that the addition of the letter “m” to the Disputed Domain Name does not prevent the Disputed Domain Name from being confusingly similar to the Complainant’s ZIPRECRUITER Trademark.

The gTLD “.com” may be disregarded under the confusing similarity test as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

In light of the above, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s ZIPRECRUITER Trademark, and that the Complainant has established the first condition of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Complainant has used its ZIPRECRUITER Trademark for about 13 years, which is long before the Respondent registered the Disputed Domain Name in 2023.

The Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent registered the Disputed Domain Name over 10 years after the ZIPRECRUITER Trademark had been registered. There is no evidence that the Respondent owns any “ziprecruiter” or related trademark, nor that it is commonly known by the Disputed Domain Name. The Respondent did not reply to the Complainant’s contentions, therefore, the Respondent has failed to come forward with any evidence to rebut such *prima facie* case.

There is also no evidence that the Respondent is using the Disputed Domain Name to offer *bona fide* goods and services or making a legitimate noncommercial or fair use of the Disputed Domain Name. On the contrary, the Disputed Domain Name dynamically redirects to various websites including a website with PPC links to third party websites related to online hiring platforms that are competitive of the Complainant. In accordance with [WIPO Overview 3.0](#), section 2.9, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. Therefore, such use of the Disputed Domain Name by the Respondent gives no grounds for considering its use in connection with a *bona fide* offering of goods or services or a legitimate noncommercial or fair use. Moreover, the Disputed Domain Name is also apparently being used to distribute malware or malicious software by compelling Internet users to download “McAfee Total Protection”. The users are redirected multiple times to third-party websites, before landing on a page encouraging the users to download software from an unauthorized source. Also, offering the Disputed Domain Name for sale for sums in excess of the costs of registration is not a *bona fide* offering of goods or services or a legitimate noncommercial or fair use under the Policy.

Moreover, according to the evidence presented by the Complainant, the Disputed Domain Name has active MX records, which evidences that the Disputed Domain Name may be used for fraudulent or phishing communications.

Moreover, the Respondent is, as the Complainant asserts (Annex 18 to the Complaint to the amended Complaint), a serial cybersquatter, namely the Respondent was involved in 309 previous UDRP proceedings, all of which resulted in the transfer of the disputed domain names to the complainants. The Panel has no reason to believe that this case is anything other than another case in large number of cases brought against the Respondent in respect of the unauthorized use for commercial purposes of well-known trademarks.

The Respondent neither responded to the Complainant’s cease and desist letter nor to the Complaint, and did not participate in this proceeding, and did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent lacks rights or legitimate interests in the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel comes to the conclusion that the Disputed Domain Name was registered and is being used in bad faith in view of the following. The Complainant had obtained the registration of the ZIPRECRUITER Trademark over 10 years earlier than the Respondent registered the Disputed Domain Name in 2023. The Respondent knew or should have known of the Complainant’s ZIPRECRUITER Trademark and business when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant’s ZIPRECRUITER Trademark. The Panel considers that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant’s ZIPRECRUITER Trademark so as to create a false association or affiliation with the Complainant and for the only purpose of attracting Internet users to its website.

The Respondent's use of the Disputed Domain Name for dynamic websites including a website containing PPC links that are competitive with the Complainant, and a website compelling Internet users to download an application, likely containing malware cannot be considered as a good faith. Further, the Respondent has configured MX records for the Disputed Domain Name.

Moreover, the Respondent offers the Disputed Domain Name for sale. Considering the Disputed Domain Name is a misspelling of the Complainant's famous ZIPRECRUITER Trademark which is distinctive, the Panel finds that selling of the Disputed Domain Name in this case supports a finding of bad faith in the Respondent's registration and use of the Disputed Domain Name. See [WIPO Overview 3.0](#), section 3.1.1.

Also, the Panel notes that the Respondent is a serial cybersquatter (*i.e.*, an individual who intentionally registers domain names incorporating third party trademarks) and that this case is part of that pattern of bad faith conduct.

Therefore, having examined all the circumstances of the case the Panel finds that the Respondent registered and is using the Disputed Domain Name in bad faith, and accordingly that paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant.

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

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: November 6, 2023