

ADMINISTRATIVE PANEL DECISION

ZipRecruiter Inc. v. Registration Private, CATCHDADDY LLC
Case No. D2023-4827

1. The Parties

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

The Respondent is Registration Private, CATCHDADDY LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <ziprecruitervision.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2023. On November 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 24, 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 November 24, 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 December 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on December 22, 2023.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on January 5, 2024. 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 an American company, established in 2010, that provides online recruiting services to job-seekers and employers in the United States, United Kingdom, Canada, and other countries. It is the proprietor of numerous trademark registrations for its ZIPRECRUITER mark internationally, including United States Trademark Registration No. 3934310 for ZIPRECRUITER (word mark), registered on March 22, 2011, in respect of services in class 42.

The Complainant has operated its primary business website at the domain name <ziprecruiter.com> since 2011. It has registered several domain names that reflect its ZIPRECRUITER mark, including <ziprecruiter.co.uk>, <ziprecruiter.fr>, and <ziprecruiter.co>.

The disputed domain name was registered on July 27, 2023. It resolves to a third-party website on which it is offered for sale for USD 4,995.

The Complainant sent a cease-and-desist letter to the Respondent on August 18, 2023. The record does not reflect the Respondent's response thereto.

No information is available about the Respondent.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that its services are used by 120 million active job-seekers each month. The Complainant has invested considerable resources in promoting the ZIPRECRUITER mark on television in the United States and through YouTube worldwide. The Complainant has established a social media presence and a mobile application. The disputed domain name reflects the ZIPRECRUITER mark with the addition of the term "vision", which does not prevent a finding of confusing similarity. The Complainant has not granted the Respondent any rights in its ZIPRECRUITER mark and there is no evidence that the Respondent has any rights or legitimate interests in the disputed domain name, which is being offered for sale on an aftermarket website for USD 4,995, indicating that the Respondent's only purpose in registering the disputed domain name was to sell it based on the value of the Complainant's trademark. The disputed domain name was previously offered for a price of USD 25,000, which is far beyond what could reasonably be expected to be out-of-pocket costs in relation to the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant’s ZIPRECRUITER mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “vision”) may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In particular, the Panel finds that there is no evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of goods or services. The Panel notes that offering the disputed domain name for sale is not a use that would support a finding of rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.2.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has registered the disputed domain name primarily to sell the disputed domain name for valuable consideration in excess of the Respondent's costs related to the disputed domain name (absent any evidence from the Respondent to the contrary). See [WIPO Overview 3.0](#), 3.1.1.

In particular, the Panel notes that the Complainant's rights in its ZIPRECRUITER mark predate the registration of the disputed domain name by more than a decade. The disputed domain name reflects the Complainant's mark together with the term "vision," which does not mitigate confusing similarity. The Complainant provides evidence that it has invested heavily in the promotion of its mark, particularly in the United States, where the Respondent is located. The sums of USD 25,000 and USD 4,995 are certainly in excess of the costs related to registering the disputed domain name (absent any evidence from the Respondent to the contrary). The Respondent failed to reply to the Complainant's cease-and-desist letter. Finally, the Respondent has not provided any credible evidence-backed rationale for registering the disputed domain name. Under the circumstances, the Panel does not believe that any such rationale exists.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element 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 <ziprecruitervision.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: January 19, 2024