

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. DCO2023-0086

1. The Parties

The Complainant is ZipRecruiter, Inc., United States of America (“United States”), 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 <ziprecruiter.co> 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 October 5, 2023. On October 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 6, 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, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 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 October 12, 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 October 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 3, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on November 9, 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 an American online recruitment company that is ranked amongst the fastest growing technology companies in the world. The Complainant owns the following trademark registrations for ZIPRECRUITER:

- United States registration No. 3934310 registered on March 22, 2011;
- European Union registration No. 015070873 registered on June 13, 2016.

The Respondent registered the disputed domain name on July 3, 2023. The disputed domain name resolves to a website with Pay-Per-Click (“PPC”) links related to recruitment and employment.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The Complainant owns the trademark ZIPRECRUITER and previous panels have recognized the value of the Complainant’s trademark and its association with the Complainant. The disputed domain name replicates the Complainant’s trademark except that it subtracts the letter “i”. This is typosquatting and does not distinguish the disputed domain name from the Complainant’s trademark. The Top-Level-Domain (“TLD”) “.co” should be ignored as it is a standard registration requirement.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent does not have any trademark rights in “ziprecruter” or “ziprecruiter”. The Respondent is not licensed by the Complainant to use its trademark. The Complainant contends that the disputed domain name is not being used in connection with a *bona fide* offering of goods or services and that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name as it displays a PPC page which direct to websites of third parties offering services competitive to the Complainant. The Respondent is not known, nor has ever been known by the term “ziprecruiter” or “ziprecruter”.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant’s trademark registration predates the creation of the disputed domain name by twelve years and the Complainant has acquired goodwill in its trademark. An online search will reveal the Complainant’s trademark. Public trademark databases are also available and would show the registration of the Complainant’s trademark. This is a case of opportunistic bad faith as the disputed domain name is so obviously connected to the Complainant’s trademark. The Respondent did not reply to the cease-and-desist letter sent by the Complainant. All of the above demonstrates bad faith registration. The disputed domain name is being used in bad faith as it resolves to a website with PPC links. The purpose is clearly to generate commercial gain by misleading online users. Activating the MX records indicates that there could be a risk of phishing activity, which is bad faith use.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant submitted information publicly available on the trademark registrations for the trademark ZIPRECRUITER. The Panel is satisfied that the Complainant has established its ownership of the trademark ZIPRECRUITER.

The disputed domain name incorporates the Complainant's trademark ZIPRECRUITER eliminating the letter "i". This is a typical case of typosquatting, which is designed to confuse users (*Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#)). The TLD ".co" is typically ignored when assessing confusing similarity as it is a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts, amongst other things, that the Respondent is not authorized by the Complainant to use its trademark. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name. In addition, UDRP 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 capitalize on the reputation and goodwill of the complainant's mark. The PPC links relate to employment, which is the service provided by the Complainant. Accordingly, the Panel is of the view that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant's mark. In *Legacy Health System v. Nijat Hassanov*, WIPO Case No. [D2008-1708](#), it was found that the respondent had no rights or legitimate interests as "the sole purpose of the disputed domain name is to resolve to pay-per-click advertising websites and collect click-through revenue from advertising links. Such use demonstrates that the Respondent has used the disputed domain name to derive a commercial benefit. There is no indication on the website that the Respondent has made a *bona fide* use of the disputed domain name".

Furthermore, given that the disputed domain name is a classic example of typosquatting, whereby the Respondent has intentionally sought to mislead Internet users unaware of the one-letter difference between the disputed domain name and the Complainant's trademark, the Respondent cannot be said to have rights or legitimate interests in the disputed domain name.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent must have known about the Complainant's business and trademark for the following reasons:

1. The Complainant had been in operation for more than a decade by the time the disputed domain name was created.
2. The disputed domain name resolves to a website with PPC links relating to the Complainant's services.
3. A simple online search would reveal the Complainant and its trademark.

Given that the disputed domain name resolves to a page with PPC links, there is bad faith use in the current circumstances. In *Mpire Corporation v. Michael Frey*, WIPO Case No. [D2009-0258](#), the Panel found that “While the intention to earn click-through-revenue is not in itself illegitimate, the use of a domain name that is deceptively similar to a trademark to obtain click-through-revenue is found to be bad faith use”.

Also, typosquatting itself may be an indication of bad faith (*ESPN, Inc v. XC2*, WIPO Case No. [D2005-0444](#)). In the present case, the Respondent was aware of the Complainant’s trademark and has deleted only one letter in order to confuse Internet users and to benefit from typos.

Such conduct of using a domain name, to attract Internet users for commercial gain, would fall squarely within the meaning of paragraph 4(b)(iv) of the Policy. Given the above, the Panel believes that the Respondent has registered the disputed domain name in order to trade off the reputation of the Complainant’s trademark.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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, <ziprecruter.co> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: November 23, 2023