

ADMINISTRATIVE PANEL DECISION

Map Your Show, LLC v. MR Yogaraj, Ideal Prospects
Case No. D2024-1841

1. The Parties

The Complainant is Map Your Show, LLC, United States of America (“United States”), represented by Frost Brown Todd LLC, United States.

The Respondent is MR Yogaraj, Ideal Prospects, India.

2. The Domain Name and Registrar

The disputed domain name <mapyourshow.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 May 1, 2024. On May 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 3, 2024, 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 May 3, 2024, 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 May 7, 2024.

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, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2024. The Respondent sent email communications to the Center on May 10 and May 31, 2024, expressing its willingness for reaching a settlement. However, the Complainant did not request a suspension for settlement talks. Accordingly, the Center notified the Parties’ Commencement of Panel Appointment Process on May 30, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on June 4, 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 has (together with its predecessor), since at least 2006, traded in event management software aimed at trade show organizers and exhibition hosts under its MAP YOUR SHOW trademark. The Complainant owns the domain name <mapyourshow.com>, which it has used since 2006 for its primary website.

The Complainant owns United States Trademark Registration No. 5314674 MAP YOUR SHOW in classes 9 and 42, having a registration date of October 24, 2017, and first use in commerce dates of August 2014 (class 9) and July 15, 2006 (class 42).

The disputed domain name was registered on January 23, 2024, and resolves to a website featuring Pay-Per-Click ("PPC") advertisements. The Complainant's evidence establishes that the disputed domain name has been used to send emails to a customer of the Complainant, offering tradeshow event attendee information for sale.

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 the disputed domain name was registered and used in bad faith in order to draw traffic to the Respondent's PPC website through confusion with the Complainant's trademark, as well as to perpetuate email-based fraud impersonating the Complainant, for the Respondent's commercial gain.

B. Respondent

The Respondent did not respond substantively to the Complainant's contentions. In the Respondent's informal communications, it stated that the disputed domain name was purchased on behalf of a client, and that the Respondent was not responsible for sending the email communications from the disputed domain name referred to above.

6. Discussion and Findings

A. Preliminary Issue – Respondent Identity

The Respondent's informal communications suggest that the Respondent is not the beneficial holder of the disputed domain name.

The Panel notes that paragraph 1 of the Rules defines "Respondent" as "the holder of a domain-name registration against which a complaint is initiated" and that the appointed panel retains discretion to determine the respondent against which the case should proceed. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.4.5.

In exercising their discretions in similar circumstances, previous UDRP panels generally considered, among others, (i) whether the identity of the beneficial holder is disclosed, (ii) whether the beneficial holder submits arguments explaining its position, or (iii) whether the relationship between the registrant of the domain name and the beneficial holder is clear. *Bryan Cave Leighton Paisner LLP v. Job*, WIPO Case No. [D2020-0592](#).

In the present case, the Respondent has not disclosed the identity of its client, no beneficial holder has come forward, and no evidence has been led confirming the existence of a beneficial holder or clarifying the nature of the relationship between the Respondent and its client.

Paragraph 3.7.7.3 of the ICANN Registrar Accreditation Agreement states that a Whols-listed registrant accepts liability for any use of the relevant domain name unless it timely discloses the contact information of any underlying beneficial registrant, which the Respondent has not done in this case.

In the circumstances, the proper respondent is the named Respondent.

B. 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 3.0](#), section 1.7.

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 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. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. Here, the additional "s" in the disputed domain name is an obvious misspelling of the Complainant's MAP YOUR SHOW mark, and the Complainant's mark remains recognizable within the disputed domain name despite it.

The Panel finds the first element of the Policy has been established.

C. 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.

For the reasons discussed in relation to bad faith below, it is likely that the disputed domain name was registered to take advantage of the Complainant's reputation in its mark for the Respondent's commercial gain and/or to impersonate the Complainant. The Respondent's registration and use of the disputed domain name in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#).

The Panel finds the second element of the Policy has been established.

D. Registered and Used in Bad Faith

The Complainant's evidence establishes that its mark was well known long before registration of the disputed domain name. UDRP panels have consistently found that the registration of a domain name that is confusingly similar to a well-known trademark, particularly domain names comprising typos of the mark as in this case, can by itself create a presumption of bad faith. This presumption is strengthened by the fact that the composition of the disputed domain name does not make sense grammatically and can only reasonably be interpreted as a reference to the Complainant's mark MAP YOUR SHOW, which points to typosquatting intent. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

The usage of the disputed domain name to offer tradeshow attendee information for sale via email points to impersonation of the Complainant, given the overlap with the Complainant's industry. The Panel has also independently established that at least one security vendor has flagged the disputed domain name for phishing. It is thus likely that the disputed domain name has been used for email-based fraud impersonating the Complainant. Panels have held that the use of a domain name for illegal activity, here likely phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel draws an adverse inference from the Respondent's failure to take part substantively in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <mapyoursshow.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: June 14, 2024