

ADMINISTRATIVE PANEL DECISION

Consumer Opinion, LLC v. Anchit Sood
Case No. D2024-3089

1. The Parties

The Complainant is Consumer Opinion, LLC, United States of America (“United States”), represented by Randazza Legal Group, PLLC, United States.

The Respondent is Anchit Sood, India.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 26, 2024. On July 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 2, 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 August 6, 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 August 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 30, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on September 6, 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 owns and operates the domain name <pissedconsumer.com> and has used it for over 17 years for a website that allows consumers to post their opinions, complaints, and product reviews about the goods and services offered by different companies and organizations throughout the world.

The Complainant is the owner of the United States trademark PISSED CONSUMER with registration No. 3,679,454, registered on September 8, 2009, for services in International Class 42, with first use in commerce on February 1, 2007 (the "PISSED CONSUMER trademark").

The disputed domain name was registered on July 27, 2018. It resolves to a website that invites visitors to post consumer complaints and reviews.

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.

The Complainant contends that the disputed domain name is identical or confusingly similar to its PISSED CONSUMER trademark, because it contains the entirety of this trademark in combination with the dictionary word "complaints" which does eliminate the confusing similarity with the Complainant's trademark, because it describes one of the primary services provided by the Complainant.

According to the Complainant, the Respondent does not have rights or legitimate interests in the disputed domain name, because it is not commonly known under it and has not registered and used it in good faith. The Complainant points out that the disputed domain name consists of the entirety of the Complainant's PISSED CONSUMER trademark plus a dictionary word describing one of Complainant's primary services, and resolves to a website that mimics the Complainant's website where Internet users can ostensibly do the same things they do on Complainant's website, namely make consumer complaints and reviews about the goods and services of businesses around the globe. In the Complainant's submission, this conduct of the Respondent shows that it is trying to divert the Complainant's customers to its own fraudulent website by misleading them that they have reached the Complainant's official website.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It points out that the Respondent registered it over nine years after the Complainant registered the PISSED CONSUMER trademark, and associated it to a website that mimicked the Complainant's website. According to the Complainant, this shows that the Respondent was aware of the Complainant and its PISSED CONSUMER trademark when registering the disputed domain name, and that the Respondent desired to disrupt the Complainant's business and to divert to its own competing website the Internet users who search for the Complainant's services.

B. Respondent

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

6. Discussion and Findings

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.

The Complainant has shown rights in respect of the PISSED CONSUMER trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the PISSED CONSUMER trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the PISSED CONSUMER trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

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.

The disputed domain name incorporates the Complainant's PISSED CONSUMER trademark in combination with the dictionary word "complaints", which refers to the services that the Complainant has offered under the same trademark since 2007 and that are included in the scope of protection of its trademark. The associated website offers the same services without any disclaimer for the lack of relationship with the Complainant, describes the provider of the website as follows: "Pissed Consumer Complaint is one of the reputed and leading consumer complaint websites started with the aim to provide a platform to a consumer where they can raise their voice or file a complaint against various businesses or institutions for violating quality of the product/service", and includes the copyright notice "Copyright Pissedconsumer Complaints © 2024". The composition of the disputed domain name and the content of the associated website make it likely that Internet users may regard them as representing an official online location of the Complainant. The

Respondent has not submitted a Response and has not provided any reasons why it should be regarded as having rights or legitimate interests in the disputed domain name.

In view of the above and in the lack of any contrary allegations or evidence, the Panel accepts as more likely than not that the Respondent has targeted the Complainant and its PISSED CONSUMER trademark with the registration and use of the disputed domain name in an attempt to confuse and attract Internet users to its own website by impersonating the Complainant, which activity cannot give rise to rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

As pointed out by the Complainant, the disputed domain name incorporates the PISSED CONSUMER trademark together with the dictionary word "complaints", which describes one of Complainant's primary services. The Respondent registered it over nine years after the Complainant registered and started using the PISSED CONSUMER trademark, and associated it to a website which offers services that coincide with the services offered by the Complainant under the PISSED CONSUMER trademark, and which contains no disclaimer for the lack of relationship with the Complainant.

In view of the above, and in the lack of any evidence or allegation to the contrary, the Panel concludes that it is more likely than not that the Respondent was aware of the Complainant and its PISSED CONSUMER trademark when registering the disputed domain name, and that its registration and use were made in an attempt to divert Internet users searching for the Complainant to the Respondent's website by misleading them that they have reached the Complainant's official website. This supports a finding of bad faith registration and use of the disputed domain name.

The Panel therefore 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 <pissedconsumercomplaints.com> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: September 16, 2024