

## **ADMINISTRATIVE PANEL DECISION**

Revo Capital Management B.V., Tahincioğlu Holding Anonim Şirketi v.  
Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Davis Clement  
Case No. D2022-0068

### **1. The Parties**

The Complainants are Revo Capital Management B.V., Netherlands (“First Complainant”) and Tahincioğlu Holding Anonim Şirketi, Turkey, (“Second Complainant”) represented by BTS & Partners, Turkey.

The Respondent is Domain Admin, Privacy Protect, LLC (PrivacyProtect.org), United States of America / Davis Clement, Nigeria.

### **2. The Domain Name and Registrar**

The disputed domain name <revoinvestmentgroup.com> (“Disputed Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2022. On January 10, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 11, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainants on January 12, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on January 14, 2022.

The Center verified that the Complaint together with the amendment to the 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 January 17, 2022. In accordance with the Rules,

paragraph 5, the due date for Response was February 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 8, 2022.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on February 14, 2022. 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 Complaint was jointly filed by the Complainants.

The First Complainant is a venture capital fund management company established under the laws of the Netherlands. The First Complainant manages two ventures capital funds namely Revo Capital Fund I B.V. and Revo Capital Fund II B.V. The Second Complainant, is one of Turkey's leading conglomerates, whose main business areas are construction, consultancy, and asset management and is also one of the limited partners of the First Complainant's fund, Revo Capital Fund I B.V.

The First Complainant has adopted the name "Revo" extensively for its business operations, company name and business designation. The Second Complainant is the owner of a number of Turkish trademark registrations for REVO and R REVO, *inter alia*, registration number 2013/25665 for REVO, 2014/21027 for R REVO, and 2014/21028 for R REVO (the "Complainants' Trademark"). According to the Complainants, the Complainants' Trademark is in the process of being transferred from the Second Complainant to the First Complainant. The First Complainant also holds and uses the domain <revo.vc>. Thus, the Complainants contend they have obtained an exclusive right to the trademark REVO through extensive use.

The Disputed Domain Name was registered on July 9, 2020. The Disputed Domain Name previously displayed the Complainants' company logo, the Complainants' Trademark and the names of some of the First Complainant's team members, but now currently resolves to an inaccessible webpage. The Complainants have provided evidence that the Disputed Domain Name has been used to send phishing emails to unsuspecting Internet users.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainants' primary contentions can be summarized as follows:

(a) The Disputed Domain Name is confusingly similar to the Complainants' Trademark. The Complainants' Trademark is reproduced in its entirety in the Disputed Domain Name. The only element which differentiates the Complainants' Trademark from the Disputed Domain Name is the addition of the term "investmentgroup".

(b) The Respondent does not have any rights or legitimate interests in the Disputed Domain Name. The Complainants have never authorized or given permission to the Respondent, who is not associated with the Complainants in any way, to use the Complainants' Trademark or to register the Disputed Domain Name. There is also no evidence of the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the Complainants' Trademark.

(c) The Respondent must have been aware of the Complainants and the Complainants' Trademark at the time of registering the Disputed Domain Name. The use of the Complainants' Trademark incorporated entirely in the Disputed Domain Name with the addition of a descriptive term "investmentgroup" was intentionally designed to cause confusion and mislead Internet users. Further, phishing emails have been

sent from email addresses with the Disputed Domain Name and there is evidence to show the Disputed Domain Name has been used to conduct fraudulent commercial activities. Therefore, given these factors, the Respondent has registered and is using the Disputed Domain Name in bad faith.

Accordingly, the Complainants request the Disputed Domain Name be transferred to the First Complainant.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainants are required to prove each of the following three elements:

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) the Disputed Domain Name has been registered and is being used by the Respondent in bad faith.

As a preliminary matter, the Panel notes that Complainants' have filed a joint Complaint against the Respondent. The Panel finds that the Complainants have a specific common grievance against the Respondent and consolidation would be equitable and procedurally efficient. Accordingly, the Panel permits the consolidation of the Complainants.

### **A. Identical or Confusingly Similar**

The Panel accepts that the Complainants have rights in the Complainants' Trademark, based on the trademark registrations listed above in Section 4.

It is well established that in making an enquiry as to whether a trademark is identical or confusingly similar to a domain name, the generic Top-Level Domain ("gTLD"), ".com" in this case, may be disregarded. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

The Disputed Domain Name incorporates the Complainants' Trademark with the addition of the term "investmentgroup". UDRP panels have consistently found that the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) to a mark will not alter the fact that the domain name at issue is confusingly similar to the mark in question. See section 1.8 of the WIPO Overview 3.0.

The Panel therefore finds that the mere addition of the suffix "investmentgroup" does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainants' Trademark.

As such, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainants' trademark, and accordingly, paragraph 4(a)(i) of the Policy is satisfied.

### **B. Rights or Legitimate Interests**

Once a complainant establishes a *prima facie* case in respect of the lack of rights or legitimate interests of a respondent in a disputed domain name, the respondent then carries the burden of demonstrating that it has rights or legitimate interests in the domain name. Where the respondent fails to do so, a complainant is

deemed to have satisfied paragraph 4(a)(ii) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#). The Panel accepts that the Complainants have not authorized the Respondent to use the Complainants' Trademark, and there is no relationship between the Complainants and the Respondent which would otherwise entitle the Respondent to use the Complainants' Trademark. Accordingly, the Panel is of the view that a *prima facie* case has been established by the Complainants and it is for the Respondent to show rights or legitimate interests in the Disputed Domain Name.

The fact that the Respondent has not submitted a formal Response does not automatically result in a decision in favor of the Complainants. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainants as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#), and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel will assess the case based on the reasonable inferences that can be drawn from the Complainants' evidence.

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the Disputed Domain Name by demonstrating any of the following:

- (i) before any notice to him of the dispute, the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name was in connection with a *bona fide* offering of goods or services;
- (ii) the Respondent has been commonly known by the Disputed Domain Name, even if he has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

There is no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name was in connection with a *bona fide* offering of goods or services. The Panel agrees with the Complainants that the Respondent's use of the Disputed Domain Name cannot be regarded as legitimate noncommercial or fair use as the Respondent appears to have registered the Disputed Domain Name solely for the purpose of misleadingly deceiving investors and borrowers into thinking that the Respondent is, in some way or another, connected to, sponsored by or affiliated with the Complainants and/or their business, or that the Respondent's activities are approved or endorsed by the Complainants.

In addition, no evidence has been provided to prove that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent is commonly known by the Disputed Domain Name.

Furthermore, the use of the Disputed Domain Name for illegal activity, such as sending phishing emails, can never confer rights or legitimate interests on the Respondent. See section 2.13 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Complainants have satisfied paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Disputed Domain Name incorporates the Complainants' Trademark in its entirety with the addition of the term "investmentgroup" and the website to which the Disputed Domain Name previously resolved was attempting to attract investors and borrowers by displaying the Complainants' company logo, the

Complainants' Trademark, and the names of some of the First Complainant's employees. A quick Internet search conducted by the Panel shows that the top search results returned for the keywords "Revo" and "Investment" are the First Complainant's website and third party websites providing information relating to the First Complainant. Therefore, taking this into consideration, the Respondent must have been aware of the Complainants and the rights in the Complainants' Trademark when registering the Disputed Domain Name.

The Respondent used the Disputed Domain Name to attract investors and borrowers from the misdirection of Internet users to its website caused by the Disputed Domain Name being confusingly similar to the Complainants' Trademark. Furthermore, emails containing ostensibly fraudulent documents have been sent from email addresses associated with the Disputed Domain Name. Use of the Disputed Domain Name to send phishing emails is clear evidence of bad faith. See section 3.4 of the [WIPO Overview 3.0](#).

In addition, the Panel finds that the following factors further support a finding that the Disputed Domain Name was registered and is being used by the Respondent in bad faith:

(i) The Respondent failed to respond to the Complainants' contentions and has provided no evidence of any actual or contemplated good faith use by it of the Disputed Domain Name.

(ii) It is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that the Disputed Domain Name contains the Complainants' Trademark in its entirety (with the addition of the term "investmentgroup").

(iii) The Respondent registered the Disputed Domain Name using a privacy shield to conceal its identity (see *Primonial v. Domain Administrator, PrivacyGuardian.org / Parla Turkmenoglu*, WIPO Case No. D2019-0193).

In the circumstances, the Panel finds that the Respondent registered and has been using the Disputed Domain Name in bad faith, and paragraph 4(a)(iii) of the Policy has been satisfied.

## 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, <revoinvestmentgroup.com> be transferred to the First Complainant, Revo Capital Management B.V.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

Sole Panelist

Date: February 25, 2022