

ADMINISTRATIVE PANEL DECISION

**Blackbaud, Inc. v. Domains by Proxy / Carolina Rodrigues,
Fundacion Comercio Electronico
Case No. D2022-0531**

1. The Parties

The Complainant is Blackbaud, Inc., United States of America (“United States”), represented by Soteria LLC, United States.

The Respondent is Domains by Proxy / Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <academocworks.com> (the “Domain Name”) 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 February 15, 2022. On February 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 16, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 2022 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 February 17, 2022.

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 February 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 17, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on March 30, 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.

In response to a Panel Order dated April 25, 2022, the Complainant filed a further amended Complaint on April 25, 2022. The Respondent did not submit any response to the further amended Complaint.

4. Factual Background

The Complaint states that the Complainant owns the entity AcademicWorks, Inc., which is in turn the proprietor of United States trademark number 85505104 ACADEMICWORKS registered on November 27, 2012. In addition, the Complaint states that “AcademicWorks is the Complainant’s scholarship process and award management solutions [sic] that many educational institutions across the United States utilize”. An Internet search reveals that the Complainant is a cloud computing provider.

The Domain Name was registered on January 17, 2022. It currently resolves to a website access to which is apparently blocked. When the Panel entered the website address www.academocworks.com, access was blocked with the message that the site was infected, and that the URL contained malicious code. At the time of preparation of the Complaint, the Domain Name resolved to a portal headed “Scholarship” displaying advertising links.

The Respondent has been the subject of over 250 successful complaints under the UDRP.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to the ACADEMICWORKS trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Domain Name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name, the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has stated that it owns the entity that is the registered proprietor of the Mark, and that the Complainant uses the Mark in relation to its “scholarship process and award solutions”. In the circumstances, the Panel is prepared to accept, in the absence of any opposition by the Respondent, that the Complainant has sufficient rights in respect of the Mark for the purposes of the Policy.

Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name is identical to the Mark, save for the substitution of the letter “o” for the letter “i” in the term “academic”. In the view of the Panel, this minor difference does not prevent a finding of confusing similarity between the Mark and the Domain Name.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but at one point for a website with links to other webpages that presumably feature pay-per-click links to third party websites, and later to a webpage to which access was blocked with a message that the site was infected, and the URL contained malicious code. There is no suggestion that the Respondent has ever been known by the Domain Name.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In these circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In the Panel’s view, the Domain Name is most likely to be a deliberate slight misspelling of the Mark. Since it has also been used for a web portal headed “Scholarship” displaying advertising links, the Panel considers it likely that the Respondent had the Complainant and its rights in the Mark in mind at the time of registration of the Domain Name. The Complainant submits that given the Domain Name’s similarity to the Mark it is most likely that the Domain Name was registered with the intention of selling it for a profit or with a view to phishing for personal information, particularly given the history of the Respondent having been the subject of over 250 successful previous complaints under the UDRP. The Panel further recognizes that the nature of the Domain Name is such as to give rise to a legitimate inference of typosquatting with a view to attracting Internet users for commercial gain, by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation or endorsement of the website at the Domain Name.

In the circumstances, the Panel finds on balance that the Domain Name was registered and is being used in bad faith.

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 Domain Name, <academocworks.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: May 9, 2022