

## **ADMINISTRATIVE PANEL DECISION**

ZipRecruiter Inc. v. Privacy Protection / Domain / Administrator  
Case No. D2022-0953

### **1. The Parties**

The Complainant is ZipRecruiter Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is Privacy Protection, United States / Domain / Administrator, Nigeria.

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

The disputed domain name <alertsziprecruiter.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 17, 2022. On March 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 Complainant on March 21, 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 March 25, 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 March 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 19, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on April 21, 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 Complainant is an online recruitment company with its registered seat in the United States, founded in 2010. It provides its services to individuals and commercial entities in various jurisdictions.

The Complainant is the owner of the ZIPRECRUITER trademark. The ZIPRECRUITER trademark is registered in many jurisdictions covering protection *i.e.* for software and IT solutions related to recruitment services. For instance, the Complainant is the owner of the United States Trademark Registration No. 3,934,310, registered on March 22, 2011 and the European Trademark Registration No. 015070873, registered on June 13, 2016 (Annex 4 to the Complaint).

The Complainant further holds and operates its official website at “www.ziprecruiter.com” (Annex 5 to the Complaint).

The disputed domain name <alertsziprecruiter.com> was registered on October 26, 2021.

The true identity of the Respondent remains unknown and is reportedly located in Nigeria.

The disputed domain name currently resolves to a parking page, which is being used in connection with pay-per-click (“PPC”) links redirecting users to competitors of the Complainant (Annex 14 to the Complaint). Also, the current record indicates that an active mail exchange (“MX”) email server for the disputed domain name has been configured (Annex 21 to the Complaint).

Prior to initiation of this administrative proceeding, the Complainant tried to solve the dispute amicably by sending a cease and desist letter to the Respondent on December 2, 2021 (Annex 18 to the Complaint).

#### **5. Parties’ Contentions**

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

The Complainant requests the transfer of the disputed domain name.

The Complainant is of the opinion that the disputed domain name is confusingly similar to its ZIPRECRUITER trademark.

It further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In addition, the Complainant is convinced that the Respondent has registered and is using the disputed domain name in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraphs 14(a) and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no Response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights; and
- (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 in bad faith.

The Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complaint. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

It is further noted that the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and, where appropriate, will decide consistent with the consensus views captured therein.

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

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having relevant trademark rights. As evidenced in the Complaint, the Complainant is the owner of the ZIPRECRUITER trademark (Annex 4 to the Complaint).

The Panel further finds that the disputed domain name is confusingly similar to the Complainant's ZIPRECRUITER trademark. The disputed domain name fully comprises the ZIPRECRUITER trademark in its entirety. As stated at section 1.8 of the [WIPO Overview 3.0](#), where a trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity. In the present case, the mere addition of the term "alerts", does, in view of the Panel, not serve to avoid a finding of confusing similarity between the disputed domain name and the Complainant's ZIPRECRUITER trademark.

In view of the above, the Panel is satisfied that the Complainant has met the requirements under paragraph 4(a)(i) of the Policy.

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

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent's rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name to meet the requirements of paragraph 4(a)(ii) of the Policy. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license or alike to use the Complainant's ZIPRECRUITER trademark in a confusingly similar way within the disputed domain name.

In the absence of a Response, the Respondent has failed to demonstrate any of the nonexclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c), or provide any other

evidence of rights or legitimate interests in the disputed domain name. There is also no indication in the current record that the Respondent is commonly known by the disputed domain name. Noting the composition of the disputed domain name and the actual use of the disputed domain name in connection with PPC links redirecting users to competitors of the Complainant (Annex 15 to the Complaint), the Panel is rather convinced that the Respondent deliberately has chosen the disputed domain name to cause confusion with the Complainant and its ZIPRECRUITER trademark.

Bearing all this in mind, the Panel does not see any basis for assessing a *bona fide* offering of goods or services by the Respondent.

Consequently, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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

In the Panel's view, the Respondent has registered and is using the disputed domain name in bad faith.

The Panel is convinced that the Respondent must have had the Complainant's distinctive trademark in mind when registering the disputed domain name. It even appears that the Respondent has registered the disputed domain name solely for the purpose of creating an association with the Complainant and its job recruitment services. In the Panel's opinion, also the nature of the disputed domain name indicates that the Respondent has registered the disputed domain name in bad faith.

As to bad faith use by the Respondent, the Panel notes that the disputed domain name is currently used for PPC links redirecting Internet users to competitors of the Complainant (Annex 14 to the Complaint). In line with the opinion of numerous UDRP panels before and section 3.5 of the [WIPO Overview 3.0](#), the Panel believes that the current use of a domain name for PPC links only does not prevent a finding of bad faith use. In view of the Panel, the submissions and evidence provided by the Complainant rather supports an inference of bad faith registration with the purpose of attempting to trade off the Complainant's goodwill in the ZIPRECRUITER trademark, and the Respondent has failed to rebut this presumption.

The Panel also notes that there is a configured MX email server for the disputed domain name (Annex 19 to the Complaint), which in view of the Panel creates a real and ongoing threat to the Complainant, since the disputed domain name could also be used for sending out emails for the purpose of misleading recipients in their believing that any such email sent from the disputed domain name originates from the Complainant, most likely for non-legitimate or even fraudulent purposes.

Furthermore, the Panel accepts the failure of the Respondent to submit a response to the Complainant's letter of December 2, 2021 and its contentions in the present administrative proceeding as an additional indication for bad faith.

All in all, the Panel cannot conceive of any plausible and legitimate use of the disputed domain name that would be in good faith, except with an authorization of the Complainant.

Taking all facts of the case into consideration, the Panel believes that this is a typical cybersquatting case. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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 <alertsziprecruiter.com> be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: May 5, 2022