

ADMINISTRATIVE PANEL DECISION

The Computing Technology Industry Association, Inc. d/b/a CompTIA, Inc. v.
Jonathon Lunardi
Case No. D2022-3285

1. The Parties

Complainant is The Computing Technology Industry Association, Inc. d/b/a CompTIA, Inc., United States of America (“United States”), represented by McDermott Will & Emery LLP, United States.

Respondent is Jonathon Lunardi, United States.

2. The Domain Name and Registrar

The disputed domain name <comptiajobs.com> (hereinafter the “Disputed Domain Name”) is registered with Launchpad.com Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2022. On September 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 6, 2022, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on September 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 11, 2022.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on November 9, 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

Complainant offers both in-person and online education and training in the field of IT, as well as proctored examinations to award users with professional certifications on a range of technology topics including cybersecurity, networking, cloud computing, technical support, and industry policies. Complainant first offered its services in 1993 and since that time, Complainant has received extensive press coverage for the services it offers under the COMPTIA mark, including coverage in publications such as Forbes, Business Insider, Business News Daily, Market Watch, and NBC. COMPTIA is an abbreviation for The Computing Technology Industry Association and Complainant owns multiple trademark registrations for the mark COMPTIA in the United States and abroad. Of relevance to this proceeding is a United States trademark registration for COMPTIA (Reg. No. 1964708) (Registered March 26, 1996) (the “Mark”). Complainant also owns the domain name <comptia.org>, a domain that it registered in 1995.

Respondent registered the Disputed Domain Name on July 10, 2022, long after Complainant registered its COMPTIA mark. Respondent contacted several employees of Complainant through LinkedIn messaging, stating that he “own[s] CompTiaJobs.com and plan[s] to turn it into a job board for people with CompTia certifications...[he] hope[s] to connect and say hi to people that work at CompTia”. Upon learning of Respondent’s registration of the Disputed Domain Name, Complainant sent Respondent a demand letter, to which he never responded.

According to evidence in the Complaint, the Disputed Domain Name previously redirected to <wildcard.hostgator.com>, which displayed a registrar message stating, “[y]ou’re almost done! Please configure your name servers”. Most recently, the Disputed Domain Name resolved to a webpage featuring the header “Default Website Page” and the following message: “If you are the web site owner, it is possible you have reached this page because: The IP address has changed. There has been a server misconfiguration. The site may have been moved to a different server.”

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its COMPTIA mark, as the Disputed Domain Name incorporates the entirety of the Mark and the term, “jobs” following the mark. Complainant further claims that its COMPTIA mark has become well-known through Complainant’s substantial, continuous, and exclusive use of the mark in connection with Complainant’s services.

Next, Complainant alleges that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent is not commonly known by the Disputed Domain Name. Complainant also states that it has not authorized Respondent to use the Disputed Domain Name and that Respondent is not otherwise authorized or affiliated with Complainant. Complainant further claims that Respondent’s holding of the Disputed Domain Name for nearly two months and Respondent’s failure to make any demonstrable preparations to use the Disputed Domain Name with a *bona fide* offering of goods and/or services is evidence of its lack of rights and legitimate interests in the Disputed Domain Name.

Finally, Complainant alleges that Respondent registered and continues to use the Disputed Domain Name in bad faith. Complainant contends that because its COMPTIA mark is well-known and because Respondent contacted Complainant’s employees via LinkedIn messaging, Respondent registered the Disputed Domain Name with knowledge of Complainant’s COMPTIA mark. Complainant further claims that Respondent has specifically incorporated Complainant’s COMPTIA mark into the Disputed Domain Name to create a false affiliation with Complainant and to mislead Internet users who are searching for Complainant’s career resources and technology training services.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registrations establish that it has rights in the COMPTIA mark. The Panel further finds that, because the Disputed Domain Name incorporates Complainant's mark entirely, it is confusingly similar to Complainant's registered Mark. Respondent's addition of the term "jobs" in the Disputed Domain Name does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its COMPTIA mark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Moreover, the Disputed Domain Name does not resolve to webpage with active content. According to the evidence in the record, the Disputed Domain Name previously resolved to a placeholder webpage that displayed the name of the hosting provider, HostGator. It now resolves to a page entitled "Default Website Page" that essentially contains nothing other than an invitation to contact the website owner. Accordingly, the Panel concludes that Respondent is not considering a *bona fide* offering of goods or services under the Disputed Domain Name, nor a legitimate noncommercial or fair use. See *Canva Pty Ltd v. Antonio Fonseca*, WIPO Case No. [D2021-4222](#).

The Panel finds that Respondent does not have rights or a legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel on balance finds that Respondent must have registered the Disputed Domain Name in bad faith. The Panel bases its decision on (i) the passive holding of the Disputed Domain Name, (ii) the fact that Respondent contacted Complainant's employees through LinkedIn messaging, (iii) the distinctiveness of Complainant's Mark, and (iv) the fact that Complainant's Mark is well-known in the field of IT training and education. Under these circumstances, the Panel finds it is implausible that Respondent was not aware of Complainant and the Mark at the time of the registration of the Disputed Domain Name. See [WIPO Overview 3.0](#), section 3.3. See, e.g. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (finding passive holding can support a finding of bad faith); see also *Zameen Media (Private) Limited v. Rashed Saeed Saif Aleter Aldhanhani*, WIPO Case No. [DAE2021-0002](#) (finding a LinkedIn message from Respondent to Complainant evidence of Respondent's knowledge of Complainant's mark).

Complainant has satisfied 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, <comptiajobs.com>, be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: November 23, 2022