

ADMINISTRATIVE PANEL DECISION

PrideStaff, Inc. v. Taylor Sheree, Pride Staffing Agency
Case No. D2022-3504

1. The Parties

The Complainant is PrideStaff, Inc., United States of America, represented by Frost Brown Todd LLC, United States of America.

The Respondent is Taylor Sheree, Pride Staffing Agency, United States of America.

2. The Domain Name and Registrar

The disputed domain name <pridestaffingagency.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 21, 2022. On September 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Contact Privacy Inc. Customer 7151571251, Canada). The Center sent an email communication to the Complainant on September 26, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On September 26, 2022, the Center sent a request for clarification regarding the Complaint to the Complainant. The Complainant filed an amended Complaint on October 3, 2022.

The Center verified that the Complaint together with the amended Complaint satisfies 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 October 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on October 24, 2022.

The Center appointed Joseph Simone as the sole panelist in this matter on November 7, 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, PrideStaff, Inc. is a leading company in the staffing industry in the United States of America and has over 85 offices nationwide.

The Complainant has an extensive global portfolio of trade marks including the term PRIDESTAFF, including the following:

- United States of America Trademark Registration for PRIDESTAFF No. 2116589 in Class 35, registered on November 25, 1997.

The Complainant owns the domain name <pridestaff.com>.

The disputed domain name was registered on April 11, 2022.

According to screenshots provided by the Complainant, at the time of filing the Complaint, the disputed domain name did not resolve to an active website. The same was also true at the time of issuance of this decision.

5. Parties' Contentions

A. Complainant

The Complainant asserts that it has prior rights in the PRIDESTAFF trade mark and that it is a leading player in its field of business.

The Complainant also asserts that the disputed domain name registered by the Respondent is identical or confusingly similar to the Complainant's PRIDESTAFF trade marks, and that the addition of the generic Top-Level Domain ("gTLD") ".com" does not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the Complainant's trade marks.

Furthermore, the Complainant argues that the addition of the common English suffix "ing" and the term "agency" is insufficient to distinguish the disputed domain name from the Complainant's PRIDESTAFF trade marks.

The Complainant asserts that it has not authorized the Respondent to use the PRIDESTAFF mark, and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services.

The Complainant asserts that there is no entity named "Pride Staffing Agency" listed with the Florida Secretary of State business listings and that the listed address is used by an automotive shop.

The Complainant also asserts that there is no evidence suggesting that the Respondent has any connection to the PRIDESTAFF mark in any way, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name, especially considering the relevant circumstances. The Complainant therefore concludes that the registration and any use of the disputed domain name whatsoever must be in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel acknowledges that the Complainant has established rights in the PRIDESTAFF trade mark.

Disregarding the gTLD ".com", the disputed domain name incorporates the Complainant's trade mark PRIDESTAFF in its entirety. Thus, the disputed domain name should be regarded as confusingly similar to the Complainant's PRIDESTAFF trade mark. The addition of the terms "ing" and "agency" does not prevent a finding of confusing similarity.

The Panel therefore finds that the Complainant satisfies the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the PRIDESTAFF trade mark and in showing that the disputed domain name is confusingly similar to its mark.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the complainant is required to establish a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once a *prima facie* case has been made out, the respondent bears the burden of producing evidence showing that it possesses rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant may be deemed to have satisfied paragraph 4(a)(ii) of the Policy. See [WIPO Overview 3.0](#), section 2.1.

The Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services.

Thus, the Complainant has established its *prima facie* case with satisfactory evidence.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain name. As such, the Panel concludes that the Respondent has failed to rebut the Complainant's *prima facie* showing of the Respondent's lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Therefore, there is no evidence on the record showing that the Respondent, prior to the notice of the dispute, has used or has demonstrated its preparation to use the disputed domain name in connection with a *bona fide* offering of goods or services. There is also no evidence showing that the Respondent has been commonly known by the disputed domain name or the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. As asserted by the Complainant, the disclosed organization for the Respondent, Pride Staffing Agency, does not appear to exist under the contact details provided by the Registrar. The Respondent's attempt to legitimize her registration of the disputed domain name via its impersonating organization reinforces the view that the Respondent has sought to impersonate the Complainant by registering a domain name incorporating the entirety of the Complainant's trademark and thus creating a risk of implied affiliation to the Complainant.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular, but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). The overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant seeks to profit from and exploit the trade mark of another party. See *Match.com, LP v. Bill Zag and NWLAWS.ORG*, WIPO Case No. [D2004-0230](#).

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

When the Respondent registered the disputed domain name, the PRIDESTAFF trade marks were already widely known and directly associated with the Complainant's activities. UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Given the extensive prior use and fame of the Complainant's marks, in the Panel's view, the Respondent should have been aware of the Complainant's marks when registering the disputed domain name.

The Respondent has provided no evidence to justify its choice of the term "pridestaff" in the disputed domain name. Moreover, the addition of the term "agency" directly targets one of the Complainant's fields of business. In light of the foregoing, it would be unreasonable to conclude that the Respondent – at the time of the registration of the disputed domain name – was unaware of the Complainant's trade mark.

The Complainant's registered trade mark rights in PRIDESTAFF for its products and services predate the registration date of the disputed domain name. A simple online search (e.g., via Google or Baidu) against the term "pridestaff" would have revealed that it is a world-renowned brand.

The Panel is therefore of the view that the Respondent registered the disputed domain name with full knowledge of the Complainant's trade mark rights.

In this case, the Respondent's bad faith intent is further demonstrated by the fact that they elected to hide their identity using a privacy service at the time the disputed domain name was registered. See section 3.6

of the [WIPO Overview 3.0](#). Moreover, upon the Registrar's disclosure of the underlying details, the Respondent has seemingly sought to legitimize its registration by claiming association to an alleged "Pride Staffing Agency" in Florida, which does not exist, thereby further suggesting the Respondent's intent to impersonate and cause confusion with the Complainant.

As the disputed domain name resolves to an inactive website, it is necessary to consider whether the inactive status of the disputed domain name prevents a finding of bad faith under the doctrine of passive holding. The factors usually considered material to such an assessment have been set out in a number of earlier decisions of UDRP panels, including in *Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#). Each of these considerations points to the Respondent's passive holding of the disputed domain name as being in bad faith. Specifically; (i) the Complainant's PRIDESTAFF mark is distinctive and well established, (ii) the Respondent has failed to submit a response to the Complaint or provide any evidence of good-faith use, (iii) the Respondent has both utilized a privacy service to mask its details and provided false contact information, as evidenced by the Center's inability to deliver written communications to the Respondent by courier, and (iv) there is no reasonably possible good faith use to which the Respondent could put the disputed domain name.

The Panel therefore finds that the Respondent has registered and is using the disputed domain name 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 disputed domain name, <pridestaffingagency.com>, be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: November 21, 2022