

## **ADMINISTRATIVE PANEL DECISION**

Rightmove Group Limited v. Milen Radumilo  
Case No. D2022-4601

### **1. The Parties**

The Complainant is Rightmove Group Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Milen Radumilo, Romania.

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

The disputed domain name <rightmove.com> (“Disputed Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 1, 2022. On December 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 2, 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 (Contact Privacy Inc. Customer 0164300290) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 5, 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 December 9, 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 December 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 11, 2023.

The Center appointed Nicholas Weston as the sole panelist in this matter on January 19, 2023. 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 a London Stock Exchange listed company that operates the one of the United Kingdom's largest digital real estate property portals that in 2021 advertised more than 700,000 properties and generated revenue of GBP 304.9 million. The Complainant holds registrations for the trademark RIGHTMOVE in the United Kingdom and European Union including, United Kingdom Trade mark No. UK00002432055 for RIGHTMOVE, registered on July 27, 2007, and European Union Trade Mark No. 015568561 for the device mark RIGHTMOVE, registered on April 13, 2017.

The Complainant owns the domain name <rightmove.com>, which resolves to its main website at the domain name <rightmove.co.uk>.<sup>1</sup>

The Respondent registered the Disputed Domain Name <rightmove.com> on April 30, 2022. According to the Complaint, the Disputed Domain Name resolved to a webpage displaying pay-per-click ("PPC") links to competing websites.

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

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

The Complainant cites its United Kingdom and European Union registrations for the mark RIGHTMOVE as *prima facie* evidence of ownership.

The Complainant submits that the mark RIGHTMOVE is widely recognised and that its rights in that mark predate the Respondent's registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its trademark, because the Disputed Domain Name incorporates in its entirety the RIGHTMOVE trademark and that the similarity is not removed by the addition of the letter "r" before the trademark, or the addition of the generic Top-Level Domain ("gTLD") ".com".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because it resolved to a PPC landing page displaying "links to competing sites".

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and Rules. It submits that the Respondent was aware of the trademark RIGHTMOVE and that "the [Disputed] Domain Name has been listed for sale on multiple domain reselling platforms for upwards of USD 2,000 [...] [which] [...] advertised costs are unequivocally in excess of the Domain Name's registration cost" as further evidence of bad faith.

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

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

---

<sup>1</sup> It has been accepted by numerous previous UDRP panels that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. In this case, the Panel visited <rightmove.com> to see where it resolved to, and conducted a Whois search which lists the Registrant Organisation as Rightmove Group Ltd.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark RIGHTMOVE in the United Kingdom and the European Union. The propriety of a domain name registration may be questioned by comparing it to a trademark registered in any country (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1).

Turning to whether the Disputed Domain Name is identical or confusingly similar to the RIGHTMOVE trademark, the Panel observes that the Disputed Domain Name comprises: (a) an exact reproduction of the Complainant's trademark RIGHTMOVE; (b) preceded by an additional letter "r"; (c) followed by the gTLD ".com".

It is well established that the gTLD used as technical part of a domain name may be disregarded. (see section 1.11 of the [WIPO Overview 3.0](#)). The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "rrightmove."

It is also well established that in cases where a domain name consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element (see [WIPO Overview 3.0](#), section 1.9).

The Panel finds that the Complainant has established paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy lists the ways that the Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name. The Policy also places the burden on the Complainant to establish the absence of the Respondent's rights or legitimate interests in the Disputed Domain Name. Because of the inherent difficulties in proving a negative, the consensus view is that the Complainant need only put forward a *prima facie* case that the Respondent lacks rights or legitimate interests. The burden of production then shifts to the Respondent to rebut that *prima facie* case (see [WIPO Overview 3.0](#), section 2.1).

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because (i) the Disputed Domain Name resolves to a PPC landing page with competing links; (ii) the Respondent has not acquired or owned any trademark or service mark rights in the name RIGHTMOVE, and has not been commonly known by the name RIGHTMOVE; and (iii) the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain.

The Respondent is not using the Disputed Domain Name for a legitimate noncommercial or fair use, and is not commonly known by the Disputed Domain Name. The Panel accepts the Complainant's uncontested submission and evidence that the "Respondent's use of the [Disputed] Domain Name to advertise

competitive PPC links (e.g., to the sites of other real estate companies [...]) does not represent a *bona fide* offering”.

The Panel is satisfied that the Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests. In the absence of a response, this Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Panel finds for the Complainant on the second element of the Policy.

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

The third element of the Policy requires that the complainant must also demonstrate that the Disputed Domain Name has been registered and used in bad faith. Paragraph 4(b) of the Policy sets out certain circumstances to be construed as evidence of both of these conjunctive requirements.

The Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the content of the website it resolves to, the Panel is satisfied that the Respondent knew of the Complainant's trademark RIGHTMOVE when it registered the Disputed Domain Name (see: *Rightmove Group Limited v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Richard Shaw*, WIPO Case No. [D2021-3867](#) (“The Panel accepts the Complainant’s evidence that its RIGHTMOVE trademark is widely known in the UK in connection with real estate services”); *Rightmove Group Limited v. Chad Moston, Elite Media Group*, WIPO Case No. [D2021-3531](#) (“the Complainant has accrued substantial goodwill and recognition in connection with its RIGHTMOVE mark since its business establishment and has grown to hold a pre-eminent position in the market”).

In addition, the gap of several years between registration of the Complainant's trademark and the Respondent's registration of the Disputed Domain Name, along with the composition of the Disputed Domain Name (containing a typosquatted version of the Complainant's well-known trademark) in the circumstances of this case is a further indicator of bad faith. (See *Asian World of Martial Arts Inc. v. Texas International Property Associates*, WIPO Case No. [D2007-1415](#)). In this case, the Complainant's rights in its trademark predate any rights that could possibly flow from the Respondent's registration by around 15 years.

On the issue of use, the Complainant's evidence is that some of the Disputed Domain Names resolved to a PPC landing page displaying keywords including “Property for Sale”, “A House Sale”, and “Sell My Home Estate Agents”, and with further links that redirect Internet traffic to third-party competitor websites unaffiliated with the Complainant. This Panel accepts the Complainant's uncontested evidence as evidence of bad faith use. Targeting of this nature is a common example of bad faith as referred to in paragraph 4(b)(iv) of the Policy and identified in many previous UDRP decisions (see [WIPO Overview 3.0](#), sections 3.1.4, and 3.2.1).

The Panel also accepts the uncontested evidence that the Disputed Domain Name was listed for sale on the aftermarket for more than USD 2,000, which appears likely to exceed out of pocket costs incurred by the Respondent's in registering the Disputed Domain Name. Targeting of this nature is another common example of bad faith.

Further, the Panel finds that the Respondent's failure to respond to the cease and desist letter tabled by the Complainant, in circumstances where an explanation by the Respondent was called for but was not forthcoming, further supports an inference of bad faith (see [WIPO Overview 3.0](#), section 4.3).

The Panel also observes that the Respondent has been the unsuccessful respondent in more than 150 other UDRP proceedings as located by a search of the Center's public website. The Panel therefore finds that that

the Respondent is a serial offender who deliberately targeted the Complainant and is engaged in a pattern of bad faith conduct (section 3.1.2 of the [WIPO Overview 3.0](#)).

This Panel finds that this is a case of classic typosquatting by a serial bad actor where the Respondent has taken a recognizable version of the Complainant's trademark RIGHTMOVE and incorporated it in the Disputed Domain Name without the Complainant's consent or authorization, for the very purpose of capitalizing on the reputation of the trademark by diverting Internet users for commercial gain.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of 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 <rrightmove.com> be transferred to the Complainant.

*/Nicholas Weston/*

**Nicholas Weston**

Sole Panelist

Date: February 1, 2023