

ADMINISTRATIVE PANEL DECISION

Barracuda Networks, Inc. v. Zhichao

Case No. D2022-4659

1. The Parties

The Complainant is Barracuda Networks, Inc., United States of America (“United States”), represented by KXT LAW, LLP, United States.

The Respondent is Zhichao, China.

2. The Domain Name and Registrar

The disputed domain name <barracudantworks.com> (the “Domain Name”) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2022. On December 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 7, 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 December 7, 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 amendment to the Complaint on December 9, 2022.

The Center verified that the Complaint together with the amendment to 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 the Respondent of the Complaint, and the proceedings commenced on December 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 6, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company providing security, networking and storage products based on network appliances and cloud services.

The Complainant owns trademark registrations for BARRACUDA and BARRACUDA NETWORKS: US trademark registration numbers 4,715,332 and 4,922,692. The Complainant has used BARRACUDA since December 2002. The Complainant uses the webpage “www.barracuda.com” for its services.

The Domain Name was registered on June 18, 2021. At the time of filing the Complaint, and at the time of the Decision, the Domain Name resolved to a search page with pay-per-click links for Internet security services.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Domain Name is confusingly similar to the Complainant's trademark BARRACUDA. The Domain Name incorporates the Complainant's trademark in its entirety. The Complainant believes that the misspelling is an intentional attempt to divert traffic from the Complainant.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Respondent has used the Domain Name to divert traffic meant for the Complainant.

The Complainant argues that the Respondent registered and has used the Domain Name to divert traffic from consumers trying to purchase the Complainant's goods and services. The Domain Name is a misspelled version of the Complainant's trademark and its domain name <barracudanetworks.com>. The Domain Name redirects to a pay-per-click webpage that lists out multiple third-party links related to different advertisements covering contents such as “Internet Security”, “Endpoint Security”, and “Barracuda Email Security Gateway”, all terms related to the Complainant's business. Therefore, it may be no doubt that the Respondent was aware of the Complainant when the Respondent registered the Domain Name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark BARRACUDA. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The addition of “ntworks” does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains (“gTLDs”), see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant’s trademark or otherwise make use of the Complainant’s trademark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent’s use of the Domain Name is not *bona fide*, but rather evidence of bad faith.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it evident from the nature of the Domain Name (a misspelling of the Complainant’s BARRACUDA NETWORKS trademark) and the use of the Domain Name, that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name.

The Respondent’s use of the Domain Name to divert traffic from Internet users trying to access the Complainant’s website is also evidence of bad faith use.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning 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 Domain Name <barracudantworks.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: January 16, 2023