

## **ADMINISTRATIVE PANEL DECISION**

Rightmove Group Limited v. Andy Brooksbank, Mam Automotive  
Case No. D2023-0694

### **1. The Parties**

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

The Respondent is Andy Brooksbank, Mam Automotive, United Kingdom.

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

The disputed domain name <rightmovehouses.com> (the “Domain Name”) is registered with Mesh Digital Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 15, 2023. On February 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 16, 2023, 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 (Identity Protection Service, Identity Protect Limited) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 2023, 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 February 17, 2023.

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 February 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2023.

On March 13 and 14, 2023, the Center received an email from a third party, disclosing that they had received a letter regarding the Domain Name (presumably the notification of the Complaint by the Center), but that they did not own the Domain Name.

The Center appointed Ian Lowe as the sole panelist in this matter on March 17, 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 operates the United Kingdom's largest real estate portal and property search function under the name RIGHTMOVE. The Complainant was founded in 2000 as a joint venture by four prominent corporate agencies: Countrywide, Connells, Halifax and Sun Alliance. The Complainant's customers include estate agents, letting agents and new home developers. The RIGHTMOVE portal is available to the public via its website, "www.rightmove.co.uk", which enables users to search for residential property, commercial property, new homes, rentals and overseas property. The Complainant's website regularly attains over 60 million visits per month, the majority of which come from the United Kingdom.

The Complainant is the owner of a number of registered trademarks in respect of RIGHTMOVE, including United Kingdom trademark number 2432055 RIGHTMOVE registered on July 27, 2007, and European Union trademark number 15568561 stylised wordmark RIGHTMOVE and device registered on April 13, 2017.

The Domain Name was registered on March 25, 2019, and resolves to a parking page comprising links to webpages of pay-per-click links to a number of third-party websites, including competitors of the Complainant.

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

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

The Complainant contends that the Domain Name is confusingly similar to its RIGHTMOVE trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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

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

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

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

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

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

The Complainant has uncontested rights in its RIGHTMOVE trademark, both by virtue of its trademark registrations and as a result of its widespread use of the mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Complainant’s RIGHTMOVE trademark together with the term “houses”. In the view of the Panel, the addition of this term does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

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

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Domain Name is not being used for an active website but to resolve to a webpage of links comprising in turn click through links to third party websites including the websites of competitors of the Complainant. In the Panel’s view, it is difficult to conceive a legitimate purpose for registering a domain name comprising the entirety of the Complainant’s RIGHTMOVE trademark or any possible justification for the Respondent having registered the Domain Name. It could only have been registered to deceive Internet users into believing that it had been registered by or operated on behalf of the Complainant.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the Domain Name, or to take any other steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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

In light of the nature of the Domain Name, there is little doubt that the Respondent had the Complainant and its rights in the RIGHTMOVE mark in mind when it registered the Domain Name, particularly given the addition of the term “houses” in the Domain Name, clearly related to the Complainant’s commercial activity. As set out above, the only possible inference is that the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant’s rights in the mark and to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant.

In the Panel’s view, using the Domain Name for a website comprising pay per click links to third party websites amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used 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 Domain Name, <rightmovehouses.com>, be transferred to the Complainant.

/Ian Lowe/

**Ian Lowe**

Sole Panelist

Date: March 31, 2023