

ADMINISTRATIVE PANEL DECISION

Influencer Holdings Ltd v. Weng Long Chen

Case No. D2023-2154

1. The Parties

The Complainant is Influencer Holdings Ltd, United Kingdom, represented by Sheridans, United Kingdom.

The Respondent is Weng Long Chen, China.

2. The Domain Names and Registrars

The disputed domain names <influencer-aim.com> and <influencer-buck.com> are registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 16, 2023 against the disputed domain name <influencer-aim.com>. On May 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <influencer-aim.com>. On May 18, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Whois Agent, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 19, 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 May 24, 2023, in which the Complainant requested the addition of the disputed domain name <influencer-buck.com>. On May 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <influencer-buck.com>. On May 26, 2023, the Registrar transmitted by email to the Center its verification response confirming the Respondent is the registrant of the disputed domain name <influencer-buck.com>.

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 proceeding commenced on May 30, 2023. In accordance with the Rules, paragraph 5,

the due date for Response was June 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 21, 2023.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on June 29, 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

A. Complainant

The Complainant is a company incorporated in the United Kingdom in 2020. The Complainant's group of companies provide data led marketing and advertising services under the trade mark INFLUENCER (the "Trade Mark"), via a digital platform provided on its website "www.influencer.com".

The Complainant is the owner of registrations for the Trade Mark in several jurisdictions, including United Kingdom registration No. 0003791142, with a registration date of September 16, 2022.

B. Respondent

The Respondent is located in China. The Panel notes that, at the time of the registration of the disputed domain names, the Respondent provided Singapore as the registrant's city, but China as the country.

C. The Disputed Domain Names

The disputed domain names were registered on April 3, 2023 and April 4, 2023, respectively.

D. Use of the Disputed Domain Names

The disputed domain names previously resolved to a fraudulent English language cryptocurrency scam website with the same look and feel as the Complainant's website, and featuring prominently the Complainant's stylized version of the Trade Mark, (the "Website").

As at the date of this Decision, the disputed domain names no longer resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to the Trade Mark, the Respondent has no rights or legitimate interests in respect of the disputed domain names, and the disputed domain names were registered and are being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant must prove each of the three elements in paragraph 4(a) of the Policy in order to prevail.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights in the Trade Mark acquired through registration and use.

Disregarding the generic Top-Level Domain (“gTLD”) “.org”, the disputed domain names incorporate the entirety of the Trade Mark, followed by the word “aim” or “buck”, separated by a hyphen (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7).

Where a relevant trade mark is recognisable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element (see [WIPO Overview 3.0](#), section 1.8).

The Panel therefore finds that the disputed domain name is confusingly similar to the Trade Mark.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to the respondent of the dispute, the respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name even if the respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain names or to use the Trade Mark. The Panel finds on the record that there is therefore a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that he has acquired any trade mark rights in respect of the disputed domain names or that the disputed domain names have been used in connection with a *bona fide* offering of goods or services. To the contrary, according to the Complaint and annexes, the disputed domain names have been used fraudulently in respect of the Website.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain names, and there has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names.

The Panel finds that the Respondent has failed to produce any evidence to rebut the Complainant’s *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Panel therefore finds that the Respondent lacks rights or legitimate interests in the disputed domain names.

C. Registered and Used in Bad Faith

In light of the manner of the use of the disputed domain names highlighted above, the Panel finds that the requisite element of bad faith has been made out under paragraph 4(b)(iv) of the Policy.

For all the foregoing reasons, the Panel concludes that the disputed domain names have been registered and are 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 disputed domain names <influencer-aim.com> and <influencer-buck.com> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Dated: July 13, 2023