

ADMINISTRATIVE PANEL DECISION

Reduxio Systems Ltd. (Now doing business as Ionir Systems) v. Ron Peleg Case No. D2023-2165

1. The Parties

The Complainant is Reduxio Systems Ltd. (Now doing business as Ionir Systems), Israel, internally represented.

The Respondent is Ron Peleg, Israel.

2. The Domain Name and Registrar

The disputed domain name <reduxio.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 16, 2023. On May 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 2023, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 23, 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 amendment to the Complaint on May 26, 2023. The Center received an email communication from the Respondent on May 26, 2023.

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 May 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2023. The Response was filed with the Center on June 18, 2023.

The Center appointed Jonathan Agmon as the sole panelist in this matter on June 21, 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, formerly known as Reduxio Systems and now doing business as Ionir Systems, is an Israeli start-up providing data management platform for Kubernetes. The Complainant is the registered owner of the United States and Israeli trademark REDUXIO. The Complainant stated that it has been using the mark as early as 2010 and that there is widespread recognition and goodwill in the REDUXIO mark across the United States and Israel.

The Complainant owns the following REDUXIO marks:

- USPTO Trademark registration no. 5516423 for REDUXIO registered on July 17, 2018; and
- Israeli Trademark registration no. 277472 for REDUXIO registered on October 2, 2017.
- The Complainant provided evidence that the disputed domain name was first created on November 27, 2010 and was owned by the Complainant until it was registered by the Respondent on December 15, 2022. It currently resolves to an inactive website.

5. Parties' Contentions

A. Complainant

The Complainant argues that the disputed domain name is confusingly similar to the Complainant's registered REDUXIO mark as the Respondent has intentionally registered a domain name that incorporates the Complainant's mark in its entirety.

The Complainant also argues that the Respondent lacks any rights or legitimate interests in the mark or domain name as it has not licensed or permitted the Respondent to use its trademark or register the disputed domain name and that the Respondent registered and continues to use the disputed domain name in bad faith.

B. Respondent

In its response to the Complaint, the Respondent argued that the Complainant changed its name from Reduxio to Ironir Systems on May 2020, no longer does business under the name REDUXIO, and has in fact removed the name "Reduxio" from its company records.

The Respondent also argued that the Complainant had chosen not to renew the disputed domain name prior to or at the time of expiration on November 27, 2022, and did not renew the disputed domain name, or any other domains names incorporating the REDUXIO mark including <reduxio.org> and <reduxio.net>, and that the Respondent took the disputed domain name in good faith after it had expired and the Complainant had not renewed it for 18 days.

Finally, the Respondent argued that the Complainant only filed the Complaint six months after the Respondent had taken the disputed domain name.

6. Discussion and Findings

A. Supplemental Filing

The Complainant has sought to file the Rebuttal in reply to the Response.

Paragraph 12 of the Rules empowers the Panel of its own motion to request further statements or

documents from the parties. The Policy does not otherwise contemplate further documents in the proceeding apart from the Complaint and the Response. Paragraph 10 of the Rules, however, gives the Panel wide discretion relating to procedural matters subject to an overriding requirement to ensure that parties are treated equally and given a fair opportunity to present their respective cases. Consistently with the objective of providing an efficient and effective online dispute resolution mechanism, paragraph 10(c) directs the Panel to ensure that the proceeding takes place with due expedition. Subject to the overriding obligations mentioned, paragraph 10(d) empowers the Panel to determine the admissibility, relevance materiality and weight of the evidence.

As a preliminary matter, the Panel notes that unsolicited supplemental filing is discouraged, especially when it is not invited by the Panel, which in this case it was not. ([WIPO Overview 3.0](#) at Section 4.6). Moreover, the Complainant did not submit a request for the Panel to accept its Supplemental Filing, nor has it shown the Supplemental Filing relevance to the case. Finally, the Complainant's supplemental filing consists primarily of an attempt to bolster the Complaint in addition to several bare allegations about the Respondent. These arguments and assertions coupled with evidence to support the same should have been produced in the Complaint. Since the Response did not include any defense which could not have been reasonably anticipated, the Panel has determined that the Supplemental Filing is disregarded.

B. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has provided evidence that it owns trademark registration of the REDUXIO mark.

It established that the generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11). The addition of a gTLD to a disputed domain name does not avoid confusing similarity as the use of a TLD is technically required to operate a domain name (see *Accor v. Noldc Inc.*, WIPO Case No. [D2005-0016](#); *F. Hoffmann-La Roche AG v. Macalve e-dominios S.A.*, WIPO Case No. [D2006-0451](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *L'Oréal v Tina Smith*, WIPO Case No. [D2013-0820](#); *Titoni AG v Runxin Wang*, WIPO Case No. [D2008-0820](#); and *Alstom v. Itete Peru S.A.*, WIPO Case No. [D2009-0877](#)).

Therefore, the Panel finds that the disputed domain name is confusingly similar to the REDUXIO mark and the element under paragraph 4(a)(i) of the Policy is satisfied.

C. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the complainant to show that the respondent has no rights or legitimate interests in respect of the domain name. Once the complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests in the domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the domain name (see [WIPO Overview 3.0](#), section 2.1).

In the present case, the Complainant has demonstrated *prima facie* that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant submitted evidence that it did not authorize or license the Respondent to use the REDUXIO mark (see *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); *Sanofi-Aventis v. Abigail Wallace*, WIPO Case No. [D2009-0735](#)).

In its response, the Respondent did not claim that it has rights or legitimate interests in the disputed domain name. Rather than putting forward a reason for his having registered the disputed domain name, the Respondent focuses on irrelevant technicalities such as the Complainant doing business as “Reduxio Systems”, not “Reduxio” and notably does not claim to have been unaware of the Complainant – to the contrary, the points he raises clearly show that he was aware of the Complainant. The Respondent argued it had plans to use the disputed domain name but has not started doing so nor provided any evidence showing preparation to use the same even though more than six months have passed since the Respondent registered the disputed domain name.

The Panel is therefore of the view that the Respondent has no rights or legitimate interests in respect of the disputed domain name and accordingly, paragraph 4(a)(ii) of the Policy is satisfied.

D. Registered and Used in Bad Faith

The complainant must show that the respondent registered and is using the disputed domain name in bad faith (Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant has submitted evidence that the Respondent registered the disputed domain name several years after the Complainant registered its REDUXIO trademark. Furthermore, the Response shows that the Respondent was aware of the Complainant and its trademark long before it registered the disputed domain name. The evidence shows that the Respondent was aware of the Respondent’s rights in the REDUXIO mark and that when the Complainant failed to renew the disputed domain name he moved in to register it. Accordingly, the Panel finds that the evidence shows that the Respondent targeted the Complainant.

The disputed domain name currently resolves to an inactive page. The disputed domain name is thus being passively held by the Respondent as it resolves to an inactive website. UDRP panellists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. While panellists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. (See [WIPO Overview 3.0](#), Section 3.3).

First, the Panel finds that the Complainant REDUXIO mark is distinctive. Second, the Panel finds that the Respondent failed to file any evidence of actual or contemplated good-faith use. The Panel notes the Respondent appears to have been aware of the Complainant and its trademark when he registered the disputed domain name. The Panel finds that given the particular circumstances of this case it is implausible that the Respondent can make any good faith use of the disputed domain name.

The Panel adds that the Respondent argued that it took the disputed domain name in good faith 18 days after the Complainant had failed to renew it. Panels have found that the registration by a respondent of an expired domain name, in particular, a recently-expired domain name, which incorporates a distinctive mark, can serve as evidence of bad faith. See *Cerulean Studios, LLC v. Hexuan Cai*, WIPO Case No. [D2013-0902](#), *Eli Lilly and Company v. Domain Magic, LLC*, WIPO Case No. [D2007-0144](#), *EasyGroup Limited v. Domain Administrator, Whois Watchdog*, WIPO Case No. [D2014-1787](#). In one case, the Panel found bad faith when a respondent acquired a domain name shortly after expiration and does not appear to have made legitimate use of the domain name. See *In John Hutton International v. Whois Privacy Protection Service by Value Domain / Axelight co.,Ltd., Yasutaka Sakatani*, WIPO Case No. [D2015-0318](#). Under the particular circumstances of this case, the Panel finds that the registration of the disputed domain name which incorporates a distinctive mark 18 days after it expired, when the Respondent appears to have been aware of the Complainant and its trademark is evidence of bad faith registration and use.

In total, under the circumstances of this case, and based on the evidence presented to the Panel, including the identity between the disputed domain name and the Complainant's REDUXIO mark, the distinctive nature of the Complainant's mark and the fact that the Respondent targeted the Complainant, the Panel finds that the disputed domain name was 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 disputed domain name <reduxio.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: July 10, 2023