

ADMINISTRATIVE PANEL DECISION

Sfanti Grup Solutions SRL v. NameSilo, LLC, Domain Administrator
Case No. D2023-2203

1. The Parties

The Complainant is Sfanti Grup Solutions SRL c/o Walters Law Group, United States of America (“United States”).

The Respondent is NameSilo, LLC, Domain Administrator, United States.

2. The Domain Name and Registrar

The disputed domain name <megaperasonals.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 20, 2023. On May 22, 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 (REDACTED FOR PRIVACY, See PrivacyGuardian.org) 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 amended Complaint on May 24, 2023.

The Center verified that the Complaint 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 May 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2023. The Respondent sent email communications to the Center on June 6, and on June 9, 2023. Accordingly, the Center notified the Commencement of Panel Appointment on June 22, 2023. The Respondent sent an unsolicited supplemental filing to the Center on June 22, and 29, 2023.

The Center appointed Evan D. Brown 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

The Complainant is in the business of providing social introduction and dating services online. It owns the trademark MEGAPERSONALS, which it has registered in the United States (Reg. No. 6432591, registered on July 27, 2021). The Complainant claims to have used the MEGAPERSONALS mark in commerce in connection with these services since at least as early as March 30, 2004.

According to the Whois records, the disputed domain name was registered on May 31, 2021. The Respondent has used the disputed domain name to publish a website that is essentially a clone of the Complainant's website, including usage of the same graphics, layout, color scheme and content. The word "MegaPerasonals" appears at the top of the Respondent's website (such word being a very similar-appearing misspelling of the Complainant's mark).

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent three several communications, stating:

"I hope this message finds you well. I apologize for the delay in my response, but I would like to address the complaint you raised regarding the domain dispute. However, I respectfully disagree with your claim.

Firstly, let me clarify that my website operates under the name "megaperasonals," not "megapersonals." I have been running this website since 2019, starting from scratch, and it holds a unique identity that differentiates it from any similar-sounding domains. I would encourage you to visit my website to verify this fact.

Moreover, it is important to note that the web design of my website is entirely custom-made. I have employed the services of my own dedicated developer to create a unique and distinct theme for my website. I assure you that my website's design does not resemble or replicate the design of the website you claim.

If there are any specific documents or evidence that you require to support my stance, please let me know, and I will be more than happy to provide them. I believe it is crucial to address this dispute promptly and ensure that any misunderstandings are resolved amicably.

Thank you for your understanding and cooperation in this matter. I look forward to further discussing and resolving this dispute."

Followed by:

"Thank you for acknowledging the receipt of my previous email dated June 6, 2023, concerning the domain dispute claim. I appreciate the prompt response from the WIPO Arbitration and Mediation Center (the Center).

I would like to confirm that I have taken note of the Center's procedure regarding the forwarding of my communication to the Panel once appointed. I understand that the Panel will have the authority, as stated in paragraph 10(d) of the Rules for Uniform Domain Name Dispute Resolution Policy, to determine the admissibility, relevance, materiality, and weight of the evidence presented.

Furthermore, I have duly noted your request, in accordance with the UDRP Rules paragraph 2(h)(iii), to copy all future communications with the Center to the Complainant, Larry, at [email]. I will ensure that any future correspondence pertaining to this dispute is shared with the Complainant as required.

Once again, I appreciate your assistance and support in facilitating this domain dispute resolution process. Please feel free to reach out if you have any further instructions or if there are any additional steps I need to take.

Thank you for your attention to this matter."

And finally:

"Thank you for acknowledging the receipt of my previous email dated June 6, 2023, concerning the domain dispute claim. I appreciate the prompt response from the WIPO Arbitration and Mediation Center (the Center).

I would like to reiterate that my website, operating under the name "megaperasonals," is not using the "megapersonals" branding. It is crucial to emphasize that we have no intention of harassing or damaging the reputation of any other entity. Our website's branding, design, and algorithms are entirely separate from those of the entity you mentioned.

I kindly request that you revisit our website to understand its unique nature and distinguish it from any similar-sounding domains. By doing so, you will have an accurate representation of our website and the distinct features it offers.

I assure you that our algorithms and operations are completely independent of any other website, including the one mentioned in the dispute claim. We have taken great care to develop our own customized algorithms and unique functionality, which differentiates our website from any other in the same industry.

Once again, I express my gratitude for your assistance and support in facilitating this domain dispute resolution process. Should there be any further instructions or additional steps that I need to undertake, please do not hesitate to communicate them to me.

Thank you for your attention to this matter. I look forward to a fair resolution based on a thorough evaluation of the facts."

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7. This element

requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the MEGAPERSONALS mark by providing evidence of its use in commerce and trademark registration.

The disputed domain name is confusingly similar to the MEGAPERSONALS mark. It differs by only one letter from the MEGAPERSONALS mark. This slight-misspelling does not eliminate the confusing similarity. See *America Online, Inc. v. John Zuccarini*, WIPO Case No. [D2000-1495](#) (finding that “the mere addition of a minor misspelling...does not create a new or different mark in which the Respondent has rights. Instead it results in a domain name that is confusingly similar to Complainant’s mark”).

The Complainant has met this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent, whether express or implied, to use the MEGAPERSONALS mark in the disputed domain name or in any other manner, (2) the Respondent is not commonly known by the MEGAPERSONALS mark and does not hold any trademarks for the disputed domain name, (3) no evidence indicates that the Respondent is known by the text of the disputed domain name, and (4) the use of the disputed domain name to make a copycat version of the Complainant’s website is not a *bona fide* offering of goods and services.

The Respondent has not offered any meaningful argument or explanation concerning its use of the disputed domain name that overcome the *prima facie* showing and establish any rights or legitimate interests. The Respondent’s assertions that the disputed domain name and associated website do not resemble the Complainant’s mark, or replicate the design of the Complainant’s website, directly contradict the plain reality. This is an obvious attempt to deceive Internet users—perhaps seeking to trick them into disclosing sensitive information—that is not a legitimate use of the disputed domain name.

The Complainant has established this second element of the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent’s bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent “[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent’s] website or other online location, by creating a likelihood of confusion with complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [respondent’s] website or location or a product or service on [the respondent’s] website or location”.

The Panel finds that the Respondent registered and is using the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy. Establishing a website using a domain name confusingly similar to another’s trademark, which imitates – almost verbatim, even down to the logo and graphics/text, even

including the color schemes and fonts – the Complainant in an obviously deceptive manner, is a clear example of bad faith registration and use under the Policy. See *Merryvale Limited v. Registration Private, Domains By Proxy, LLC / Narubeth Sangkaew*, WIPO Case No. [D2022-1385](#).

The Panel has established this third element under 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 <megaperasonals.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: July 13, 2023