

ADMINISTRATIVE PANEL DECISION

Jaspreet “Jas” Mathur v. Noah Mills

Case No. D2023-2929

1. The Parties

The Complainant is Jaspreet “Jas” Mathur, United States of America (“United States”), represented by Rome LLP., United States.

The Respondent is Noah Mills, India.

2. The Domain Name and Registrar

The disputed domain name <jasmathur.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 July 7, 2023. On July 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the disputed domain name.

The Center verified that 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 July 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 23, 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 an individual, who provides a principal business address in Los Angeles, United States. He is the Chief Executive Officer (“CEO”) of a New York Stock Exchange listed company, Limitless X Holdings Inc., having also been involved in the development of various businesses providing healthcare supplements and skincare products.

The disputed domain name was registered by the Respondent on July 22, 2022. The Complainant provides evidence that it has resolved to a website which attacks the Complainant, describing him as “Jas Mathur – King of Scammers”, as a “thief” and as having been guilty of “limitless fraud” including money-laundering. The website includes numerous images of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant states that he is a prominent businessman, having founded several successful businesses in the technology, marketing and wellness industries. He submits that his successes have resulted in his developing a valuable personal brand in his JAS MATHUR name, which has been reflected in media profiles in prominent publications including Men’s Journal, Forbes, and US Weekly. The Complainant exhibits the articles in question, which refer to him as *e.g.*, “Entrepreneur Jas Mathur” and refer to his various business interests. They also refer to his partnership in a nonprofit initiative aimed at promoting health and wellness in young adults.

The Complainant also provides evidence of his social media presence, particularly on Instagram, where he claims a following of 12.2 million users. The Instagram account “@limitless” is headed “Jas Mathur – Entrepreneur” and promotes the Limitless X company in addition to a number of the Complainant’s other ventures.

The Complainant submits that, in these circumstances, he has obtained common law trademark rights in the name JAS MATHUR. He contends that his personal name is closely associated with his business ventures and has been used in commerce to promote specific goods and services. He relies in this regard on previous decisions under the UDRP, including *Darren Entwistle, Telus Corporation v. Finian Commission*, WIPO Case No. [D2009-0961](#). He also submits that his name JAS MATHUR is uncommon in the English-speaking world, which supports his claim that it is has obtained a “secondary meaning” in commerce as an identifier of the Complainant’s goods and services.

The Complainant submits that the disputed domain name is identical or confusingly similar to his common law trademark JAS MATHUR.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. He states that the Respondent has not commonly been known by the disputed domain name and that it is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. He states that Internet users will expect the disputed domain name to link to a website offering goods and services connected with the Complainant, but they will find instead content that is disparaging and defamatory of the Complainant. He contends that the Respondent’s website is plainly intended to disrupt his business activities.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Identical or Confusingly Similar

In this case, the Complainant claims common law rights, in the nature of unregistered trademark rights, in his personal name JAS MATHUR. Guidance on this topic can be found in section 1.5.2 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), which states:

"The UDRP does not explicitly provide standing for personal names which are not registered or otherwise protected as trademarks. In situations however where a personal name is being used as a trademark-like identifier in trade or commerce, the complainant may be able to establish unregistered or common law rights in that name for purposes of standing to file a UDRP case where the name in question is used in commerce as a distinctive identifier of the complainant's goods or services.

Merely having a famous name (such as a businessperson or cultural leader who has not demonstrated use of their personal name in a trademark/source-identifying sense), or making broad unsupported assertions regarding the use of such name in trade or commerce, would not likely demonstrate unregistered or common law rights for purposes of standing to file a UDRP complaint."

The Complainant relies in this regard on prior WIPO decisions including the *Entwistle* case (*supra*). That decision itself adopted the reasoning in *Chung, Mong Koo and Hyundai Motor Company v. Individual*, WIPO Case No. [D2005-1068](#), which set out a number of factors which may establish a nexus between an individual's name and its use and association in trade and commerce. Those criteria include the extent to which the commercial community identifies with the individual in question, the extent to which the individual is seen as the *alter ego* behind his or her business interests, and the extent to which the individual is identified with any major achievements of such business interests.

In this case, the Panel is satisfied that the Complainant has established common law rights in his personal name JAS MATHUR for the purposes of the Policy. Based on the evidence available to the Panel, the Complainant has been recognized in the media as an entrepreneur behind several business ventures, particularly in the wellness industry, as well as the CEO of Limitless X. This impression is borne out by the Complainant's social media, which clearly indicates a commercial cachet associated with the Complainant's personal name in parallel with the names of the business with which he is involved. The Panel also accepts the Complainant's submission that his name JAS MATHUR is distinctive, which further supports his claim that it has become associated by the public as an identifier of his business activities.

The Panel finds that the disputed domain name is identical to the Complainant's mark JAS MATHUR.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. Furthermore, for the reasons set out below, the Panel finds the disputed domain name to be inherently misleading and deceptive, which circumstances cannot give rise to rights or legitimate interests on the Respondent's part.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name is identical to the Complainant's common law trademark JAS MATHUR, which the Panel has found to be distinctive of the Complainant and his business activities.

The Panel finds in the circumstances that the disputed domain name is inherently deceptive, constituting the appropriation of the Complainant's mark in full and without any adornment. In particular, Internet users are likely to be misled into believing that any website to which the disputed domain name resolves will be a website owned, operated, or otherwise duly authorized by the Complainant. While it will become clear from the website content that the purpose of the website is in fact to attack the Complainant, Internet users will nevertheless have been attracted to the website by the deceptive use of the Complainant's trademark as the disputed domain name.

Since the Respondent clearly registered the disputed domain name in the knowledge of the Complainant's name and with the intention of attracting Internet users to the website in question, the Panel finds that the Respondent both registered and has used the disputed domain name in bad faith.

The Panel wishes to emphasise that it makes no determination as to the truth or falsity of the Respondent's website content, which are matters beyond the scope of proceedings under the UDRP and irrelevant in any event to this Decision. The Complaint succeeds because of the Respondent's deceptive use of the disputed domain name to attract Internet users to its website in the mistaken belief that it must be owned, operated, or otherwise duly authorized by the Complainant.

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, <jasmathur.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: September 1, 2023