

## **ADMINISTRATIVE PANEL DECISION**

Freeman Holding, LLC v. Cloud Hosting Provider  
Case No. D2023-3408

### **1. The Parties**

Complainant is Freeman Holding, LLC, United States (“United States”), represented by Vedder Price P.C., United States.

Respondent is Cloud Hosting Provider, United States.

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

The disputed domain name <cdsleadretrieval.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 9, 2023. On August 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 10, 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 (Redacted for Privacy, Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email to Complainant on August 21, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 24, 2023.

The Center verified that the Complaint [together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on August 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 13, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 14, 2023.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 18, 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**

Founded in 1927, Complainant describes itself as “a well-known, global event planning and management company.”

Complainant holds a registered service mark with the United States Patent and Trademark Office for CONVENTION DATA SERVICES, Reg. No. 3,316,373, registered on October 23, 2007 in connection with, among other things, “convention event registration services, exhibitor sales lead management, online event services...” The registration shows an October 1986 date of first use in commerce.

Complainant owns the domain name <cdsreg.com>, and uses that domain name to host its commercial website featuring the event-related services provided under its CONVENTION DATA SERVICES mark. On the website, Complainant often uses “CDS” as an abbreviation of its mark.

The Domain Name was registered on February 23, 2023. At the time of filing of the Complaint, Respondent’s website purported to offer services that overlap considerably with Complainant’s services, including “Pre-event solutions”, “During-event solutions”, and “Post-event solutions.” Respondent’s site also contains the following statements:

“Get the Highest ROI on B2B Events.”

“At Cds leadretrieval Service, our core competency is centered on assisting our clients improve their customer acquisition programs by developing response driven marketing data solutions.”

“At CDS Lead Retrieval Service, we are all about connecting people from two opposite sides of the event that lead to the enhancement of our industry.”

Complainant has prevailed in two other UDRP cases involving domain names similar to Complainant’s trademarks. See *Freeman Holding, LLC v. Anesh John*, WIPO Case No. [D2023-0637](#) (transferring <freemanleadretrieval.com>), and *Freeman Holding, LLC v. Elle Lively*, WIPO Case No. [D2023-1580](#) (transferring <freeman-cds.com>). The complaint in the first case noted above was filed February 10, 2023, 13 days before the Domain Name in the instant case was registered.

Annexed to the Complaint in this proceeding are screenshot comparisons of the websites at issue in those other UDRP cases. In many respects, the content of the websites in those cases is identical to the content of Respondent’s website in this case. For instance, under the header “Pre Events” or “Pre Event Solutions,” each of the three websites states: “This brings us to the big question of how to approach them effectively to generate desirable results.” There are numerous additional examples of identical content on all three websites. In addition, each website’s contact information for consumer inquiries shows the same street address and phone number.

#### **5. Parties’ Contentions**

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) 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 Panel concludes that Complainant has rights in the trademark CONVENTION DATA SERVICES through registration demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark. Complainant has shown that it frequently uses "cds" to describe its event-related services, and that consumers recognize that CDS is an abbreviation for Complainant's registered mark. The additional words "lead retrieval" do not prevent a finding of the confusing similarity between the Domain Name and the mark, as those words relate to the services provided by Complainant under its mark.

Complainant has established Policy paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward to articulate any *bona fide* reason for registering the Domain Name. Based on the undisputed record in this case, the Panel finds it more likely than not that Respondent registered the Domain Name with full knowledge of Complainant and its marks and did so in order to lure consumers looking for Complainant's website, for financial gain. Respondent's attempt to impersonate Complainant and free-ride on the goodwill associated with Complainant's mark is plainly not legitimate.

Complainant has established Policy paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted 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 of a product or service on Respondent's website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. On this record, the Panel finds it clear that Respondent targeted Complainant's mark when registering the Domain Name, and used the Domain Name for commercial gain through consumer confusion. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

In addition, the Panel finds that Respondent, by virtue of the two prior UDRP cases this year discussed above, has engaged in a pattern of preclusive registrations within the meaning of the above-quoted Policy paragraph 4(b)(ii).

Complainant has established Policy paragraph 4(a)(iii).

## **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 <cdsleadretrieval.com> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: September 25, 2023