

## **ADMINISTRATIVE PANEL DECISION**

Savvas Learning Company, LLC v. Carolina Rodrigues, Fundacion Comercio Electronico

Case No. D2023-4516

### **1. The Parties**

The Complainant is Savvas Learning Company, LLC, United States of America (“United States”), internally represented.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

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

The disputed domain name <savvarealize.com> is registered with Internet Domain Service BS Corp (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2023. On October 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 3, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 3, 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 November 3, 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 November 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 4, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on December 5, 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 a company located in New Jersey, United States. It is a provider of commercial printed material and online resources in the educational sector.

The Complainant is the proprietor of:

- United States trademark registration number 6240996 for a stylized character mark SAVVAS LEARNING COMPANY, registered on January 5, 2021, with an application date of October 22, 2019; and
- United States trademark registration number 6843694 for a combined mark SAVVAS REALIZE, registered on September 13, 2022, with an application date of August 12, 2021.

The Complainant is also the owner of the domain name <savvasrealize.com>, which was registered on August 2, 2019, and (according to the Panel's review of "www.archive.org") has operated an active website linked to that domain name since at least May 15, 2020.

The disputed domain name was registered on June 25, 2020.

According to the Complainant's submissions, which are unchallenged by the Respondent, the disputed domain name has utilized multiple differing redirect "hops", resolving variously to advertisements, spam and "phishing" websites.

#### **5. Parties' Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a 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**

The Complainant has established that it is the owner of registered trademark rights in marks including a combined mark, SAVVAS REALIZE. The disputed domain name is virtually identical to the textual element of that mark, save only for the omission of the second letter “s”. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

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

The Panel finds that the nature of the disputed domain name, being almost identical to the Complainant’s own active domain name <savvasrealize.com>, raises of itself a *prima facie* case that the Respondent registered the disputed domain name with the object of targeting the Complainant’s goodwill, and that the Respondent therefore has no rights or legitimate interests in respect of the disputed domain name. The Respondent has made no reply in the proceeding which might address that *prima facie* case, and has not therefore 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. The Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Complainant has established to the satisfaction of the Panel that it owns the domain name <savvasrealize.com> and that it has used that domain name for the purpose of an active website at “www.savvasrealize.com” from a date which preceded the registration of the disputed domain name.

Given the distinctive nature of the Complainant’s domain name and URL, there can be no sensible explanation for the Respondent’s registration of the disputed domain name other than as an attempt dishonestly to divert Internet users who are looking for the Complainant’s above-mentioned website. The Panel accepts the Complainant’s submission that the Respondent’s diversion of Internet users in this manner is, more likely than not, to be for commercial gain.

The Panel finds in the circumstances that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel further notes that the Respondent has been found to have made bad faith domain name registrations in over 400 previous proceedings under the UDRP. The Panel finds that the impression of bad faith registration and use in this case is supported by the Respondent’s pattern of bad faith registrations.

The Panel finds in the circumstances that the disputed domain name has been 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, <savvarealize.com>, be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: December 20, 2023