

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2024-0680

1. The Parties

The Complainant is ZipRecruiter, Inc., United States of America (“US”), represented by SafeNames Ltd., US.

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

2. The Domain Name and Registrar

The disputed domain name <ziprecruiterzip.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 February 14, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 2024, 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 February 15, 2024, 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 February 15, 2024.

The Center verified that the Complaint together with the 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 February 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2024.

The Center appointed David Stone as the sole panelist in this matter on April 5, 2024. 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 American company established in 2010, which provides online recruitment services. By 2017, the Complainant had provided its services over one million employers and 120 million job seekers. In 2019, the Complainant was ranked 350 in Deloitte's 2019 Technology Fast 500, which lists the fastest-growing technology companies in North America. The Complainant has also received a number of industry accolades since 2019, including from Fast Company "Most Innovative Companies" and G2 "Users Most Likely to Recommend". The Complainant is a publicly listed company using the ticker symbol "ZIP".

Among others, the Complainant owns the following registered trademarks (the "Marks"):

- ZIPRECRUITER: US Trademark registration no. 3,934,310 registered on March 22, 2011 in international class 42;
- ZIPRECRUITER: European Union Trademark registration no. 015070873 registered on June 13, 2016 in international classes 9, 36, 41 and 42;
- ZIPRECRUITER: United Kingdom Trademark registration no. UK00915070873 registered on June 13, 2016 in international classes 9, 36, 41 and 42; and
- ZIPRECRUITER: Canada Trademark registration no. TMA979480 registered on August 28, 2017 in international classes 9, 41 and 42.

The Complainant is the owner of the domain name <ziprecruiter.com> where its online platform is operated primarily. According to Similarweb, "www.ziprecruiter.com" ranked as the second most visited website in the category of "Jobs and Employment" (in the US) in December 2022, receiving more than 34 million visits per month between October and December 2022. The Complainant also owns several country code Top-Level Domains ("TLD") containing ZIPRECRUITER, including <ziprecruiter.co.uk>, <ziprecruiter.co.nz> and <ziprecruiter.fr>, which contain tailored offerings of the Complainant's online platform. Further, the Complainant uses ZIPRECRUITER as a social media handle, including on YouTube, Instagram and X (formerly Twitter).

The disputed domain name was created on November 1, 2023. At the date of this decision, the Respondent is hosting a parked page comprising pay-per-click ("PPC") links at the disputed domain name.

The Respondent has been involved in more than 400 UDRP domain disputes to date, at least 10 of which have involved the Complainant.

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.

The Complainant contends that, under the first element, the disputed domain name is confusingly similar to the Marks because (i) the generic TLD ".com" should be disregarded; and (ii) the addition of the term "zip" is not sufficient to alleviate the likelihood of confusion. Indeed, the Complainant contends that the addition "zip" reinforces the connection with the Complainant in light of the Complainant's ticker symbol "ZIP".

Under the second element, the Complainant contends that the Respondent is not known by, and does not have any trademark rights to, “ziprecruiter”, “ziprecruiterzip” or similar. The Respondent is not a licensee of the Complainant. The Respondent has not used, and is not prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name is being used to direct Internet users to PPC links. Specifically, the Complainant contends that the disputed domain name capitalizes on the reputation and goodwill of the Marks, and redirects Internet users to competitors of the Complainant.

Under the third element, the Complainant contends that the Marks have become synonymous with online job hunting and recruitment and that this is a case of opportunistic bad faith for the reasons already discussed. The lack of a response from the Respondent to cease and desist letters sent by the Complainant prior to the commencement of proceedings supports the Complainant’s case of bad faith. The Complainant also contends that the presence of a mail exchange record for the disputed domain name suggests that the Respondent has the capacity to engage in phishing activity through email distribution.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s Marks and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel finds that the addition of “zip” is not sufficient to alleviate the confusing similarity.

Although the addition of other terms here, “zip” and the generic TLD “.com”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of

proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Applying paragraph 4(c) of the Policy, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

The Panel finds that the Complainant's Marks have considerable goodwill and reputation for online recruitment services. The Panel accepts the Complainant's evidence of the parked page at the disputed domain name showing PPC links, including for "Recruitment Platforms" and "Recruiting Employees". Such PPC links compete with or capitalize on the reputation and goodwill of the Marks.

The Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the confusingly similar disputed domain name, which differs from the Complainant's primary domain name by just "zip". The Respondent hosts at the disputed domain name a parked page comprising PPC links that compete with or capitalize on the reputation and goodwill of the Complainant's Marks. The Panel also notes that the Respondent has been involved in more than 400 UDRP domain disputes, at least 10 of which have involved the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name, (ii) the chosen TLD, (iii) the content of any website to which the domain name directs, (iv) any respondent pattern of targeting marks along a range of factors, such as a common area of commerce, intended consumers, or geographic location, and (v) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that the Respondent has engaged in a pattern of trademark-abusive domain name registrations, including registrations which target the Complainant. This, together with the Respondent's clear absence of rights or legitimate interests coupled with no credible explanation of the Respondent's choice of domain name (other than to take advantage of the goodwill and reputation of the Marks), is demonstrative of bad faith.

Further, the Respondent has not attempted to refute any of the Complainant's contentions, which casts additional doubt on the nature of its conduct. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name and using it to display PPC links were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's Marks. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Complainant has established the third element of 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 <ziprecruiterzip.com> be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: April 19, 2024