

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. 石磊 (Lei Shi)

Case No. D2024-0728

1. The Parties

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

The Respondent is 石磊 (Lei Shi), China.

2. The Domain Name and Registrar

The disputed domain names <ziprecruiter-research.com> and <ziprecruiterresearch.com> are registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2024. On February 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20 and 21, 2024, the Registrar transmitted by email to the Center its verification responses disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 2024 providing the registrant and contact information disclosed by the Registrar, and the information of the Registrar, requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on February 22, 2024.

On February 21, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreements for the disputed domain name is Chinese. On February 22, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on March 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2024.

The Center appointed Sok Ling MOI as the sole panelist in this matter on April 4, 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 online recruitment company, providing services for both individuals and commercial entities. Since its inception in 2010, the Complainant has served more than one million employers and 120 million job seekers.

The Complainant primarily operates from "www.ziprecruiter.com" (which received an average of more than 35 million visits per month between October and December 2022), allowing employers to post jobs and manage applications while enabling job seekers to search for available job positions. The Complainant carries out and publishes survey results and research reports on its Economic Research website at "www.ziprecruiter-research.org". The Complainant also offers a mobile application (available on Google Play and Apple Store) which has been downloaded more than five million times on Google Play alone. The Complainant is also active on social media, such as Facebook, X (formerly known as Twitter), Instagram, YouTube and LinkedIn.

Apart from <ziprecruiter.com> (registered from February 2010) and <ziprecruiter-research.org> (registered from February 2023), the Complainant also owns the following domain names in connection with various country code Top-Level Domains ("TLDs"):

- <ziprecruiter.co.uk> (registered from September 2010);
- <ziprecruiter.co.nz> (registered from May 2015);
- <ziprecruiter.fr> (registered from January 2016);
- <ziprecruiter.us> (registered from August 2018).

The Complainant owns trade mark registrations for ZIPRECRUITER in various jurisdictions, including the following:

Trade Mark	Jurisdiction	Registration No.	Registration Date	Class
ZIPRECRUITER	United States	3934310	March 22, 2011	42
ZIPRECRUITER	European Union	015070873	June 13, 2016	9, 36, 41, 42
ZIPRECRUITER	United Kingdom	UK00915070873	June 13, 2016	9, 36, 41, 42
ZIPRECRUITER	Canada	TMA979480	August 28, 2017	9, 41, 42

The disputed domain names <ziprecruiter-research.com> and <ziprecruiterresearch.com> were registered on November 2, 2023, long after the registration of the ZIPRECRUITER trade marks by the Complainant. According to the evidence submitted by the Complainant, each of the disputed domain names resolves to a parking webpage featuring sponsored links to third party 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 names.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreements for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain names are composed of Latin characters and contain the English word "research", the contents on the websites to which the disputed domain names direct are in English, the Complainant's representatives are based in the United Kingdom, and requiring a translation would result in the incurrence of additional expense and unnecessary delay.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

In this case, the Panel notes that the Respondent has been informed by the Center that it would accept a Response in either English or Chinese, but it did not file a Response. As such, the Panel finds that no foreseeable procedural benefit may be served by requiring the Complaint to be translated into Chinese and for Chinese to be the language of the proceeding.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issue: Findings

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following three elements to obtain an order for the disputed domain name to be transferred:

- (i) the disputed domain name registered by the respondent is identical or confusingly similar to a trade mark 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

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 trade mark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the mark is reproduced within each of the disputed domain names.

The Panel finds the addition of the hyphen symbol or the term “research” does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy.

The addition of the generic TLD “.com” is a standard registration requirement and does not impact on the analysis of whether the disputed domain names are identical or confusingly similar to the Complainant’s trade mark.

Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy.

[WIPO Overview 3.0](#), sections 1.7, 1.8 and 1.11.

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.

The Complainant has confirmed that the Respondent is not in any way affiliated with the Complainant or otherwise authorized or licensed to use the ZIPRECRUITER trade mark or to seek registration of any domain name incorporating the ZIPRECRUITER trade mark. The Respondent appears to be an individual by the name of “石磊 (Lei Shi)”. There is no evidence suggesting that the Respondent is commonly known by the name “ziprecruiter” or has any rights in the disputed domain names.

There is no evidence suggesting that the Respondent is using the disputed domain names for a bona fide offering of goods or services, or for a legitimate noncommercial or fair use. Instead, each of the disputed domain names resolves to a parking webpage featuring sponsored links to third party websites relating to recruitment services in competition with the Complainant. Presumably, the Respondent receives pay-per-click (“PPC”) fees from the linked websites. UDRP 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 capitalise on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

Accordingly, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names 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.

The Panel accepts that the Complainant and its ZIPRECRUITER trade mark has gained sufficient fame and social media presence since its inception. A cursory search on the Internet would have disclosed the Complainant and its trade mark. The Respondent's choice of the disputed domain names could not have been a mere coincidence particularly noting that the disputed domain names were registered after the Complainant's domain name <ziprecruiter-research.org>. The consensus view of previous UDRP panels is that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith.

[WIPO Overview 3.0](#), section 3.1.4.

Furthermore, the Panel notes that the Respondent had previously been involved in numerous UDRP disputes (such as *Syngenta Participations AG v. 石磊 (Lei Shi)*, WIPO Case No. [D2023-0496](#) and *阿尔斯通公司 (Alstom S.A.) 诉 石磊 (Lei Shi)*, WIPO Case No. [D2023-0280](#)) each of which resulted in the transfer of the domain name to the complainant. This suggests a pattern of cybersquatting behaviour which is prima facie evidence of bad faith.

According to the evidence submitted by the Complainant, each of the disputed domain names resolves to a parking webpage featuring sponsored links to third party websites relating to recruitment services in competition with the Complainant. The consensus view of previous UDRP panels is that a domain name registrant is normally deemed responsible for content appearing on a website at its domain name, even if such registrant may not be exercising direct control over such content - for example, in the case of advertising links appearing on an "automatically" generated basis. [WIPO Overview 3.0](#), section 3.5. There is a presumption that the Respondent or a third party stands to profit or make a "commercial gain" from advertising revenue by such an arrangement trading on third-party trade marks.

In the present case, the Panel finds that the Respondent's use of the Complainant's ZIPRECRUITER trade mark to attract Internet users to a website offering links to third-party websites is calculated to mislead Internet users. Such links clearly seek to capitalize on the trade mark value of the Complainant's trade mark. The Panel therefore determines that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his websites by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of the Respondent's websites.

Accordingly, the Panel finds that the circumstances referred to in paragraph 4(b)(iv) of the Policy are applicable to the present case.

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 names <ziprecruiter-research.com> and <ziprecruiterresearch.com> be transferred to the Complainant.

/Sok Ling MOI/

Sok Ling MOI

Sole Panelist

Date: May 13, 2024