

ADMINISTRATIVE PANEL DECISION

Rocket Global, LLC v. Amine Belgounche
Case No. D2024-1022

1. The Parties

The Complainant is Rocket Global, LLC, United States of America (“United States”), represented by Silverstein Legal, United States.

The Respondent is Amine Belgounche, United States.

2. The Domain Name and Registrar

The disputed domain name <chatrandomly.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2024. On March 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 13, 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 (Redacted for GDPR Privacy, NY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 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 amendment to the Complaint on March 15, 2024.

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 March 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 9, 2024.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on April 12, 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 a limited liability company organized under the laws of the State of Wyoming, United States, and headquartered in Sheridan, Wyoming. The Complainant operates a website (the “Complainant’s website”) at “www.chatrandom.com”, which provides “a video chat platform that allows users to anonymously chat with random people by video”, to “meet cool new people, make new friends or find romance”. Users can filter chatters by gender, country, and sexual orientation. The Complainant’s website offers video and text chat via computer or smartphone, with associated mobile apps and social media pages.

The CHATRANDOM word mark has been used since the Complainant’s website was launched in February 2011, as stated on the Complainant’s website and in its application for United States trademark registration. The website now claims over thirteen million registered users from 185 countries. The Complainant’s CHATRANDOM services have been featured in online publications including “VentureBeat”.

The Complainant holds the following relevant trademark registrations, among others, by assignment:

Mark	Jurisdiction	Registration Number	Registration Date	Goods or Services
CHATRANDOM (word)	United Kingdom	3528608	December 18, 2020	Downloadable software, communications services, provision of Internet-based communications platform; IC 9, 45
CHATRANDOM (standard characters)	United States	6581664	December 7, 2021	Communications services, platform as a service for webcam and text chatting; IC 38, 42
CHATRANDOM (figurative)	European Union	18611193	May 25, 2022	Downloadable software, communications services, provision of Internet-based communications platform; IC 9, 38, 42

The Registrar reports that the disputed domain name was created on March 20, 2023, and registered in the name of the Respondent Amine Belgounche, giving a postal address in the State of New York, United States and a Gmail contact email address.

The Complaint attaches a screenshot of a parking page hosted by dan.com, “a GoDaddy brand” offering the disputed domain name for sale for USD 495 and advertising the domain services of dan.com. At the time of this Decision, the disputed domain name resolves to a GoDaddy landing page offering the disputed domain name for sale for USD 100 and advertising GoDaddy’s domain services.

On February 22, 2024, the Respondent sent an email to the Complainant's counsel asking if the Complainant was "interested in acquiring" the disputed domain name. The Complainant's counsel responded with a cease-and-desist letter. The Respondent replied stating that the disputed domain name was "available for sale on GoDaddy" and changed the registration to a domain privacy service. The Respondent did not reply to a further communication from the Complainant's counsel, and this proceeding followed.

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.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to its registered CHATRANDBOMLY mark, as the mark is recognizable within the disputed domain name. The Respondent has no permission to use the Complainant's mark, and there is no indication that the Respondent is known by a corresponding name or has used the disputed domain name in connection with a bona fide commercial offering or a legitimate noncommercial fair use. Instead, the Respondent has used the disputed domain name to misdirect Internet users to a parking page, where the Respondent has attempted to sell the disputed domain name, and the Respondent has expressly attempted to sell it to the Complainant for an amount that likely exceeds out-of-pocket costs. The CHATRANDBOM mark is well-known, and the Complainant concludes that the "Respondent registered and is using the Disputed Domain Name primarily to profit from and exploit" that mark.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) and the respondent has no rights or legitimate interests in respect of the domain name;
- (iii) and the domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

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 trademark 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 relevant trademark or service mark (the registered CHATRANDBOM mark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The addition of the adverbial suffix “ly” does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Having reviewed the available record, 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 disputed domain name has only been offered for sale rather than used in connection with any legitimate business or noncommercial fair use. While the buying and selling of domain names can itself be a legitimate business activity, the Respondent has not come forward with evidence to show that the Respondent is engaged in this business. The Respondent has also not offered any evidence or argument to rebut the reasonable inference from the circumstances of the case that the Respondent registered this particular domain name for its trademark rather than descriptive value. This inference is particularly compelling on the present record, where the Complainant’s trademark is internationally well-known, both Parties are located in the United States, and the Respondent approached the Complainant offering to sell the disputed domain name.

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 was likely aware of the Complainant’s mark, which achieved notoriety online with a rapidly growing, international user base, and as indicated by the fact that the Respondent approached the Complainant directly, offering to sell the disputed domain name. Although the advertised sales price was not enormous, it was still likely substantially in excess of the Respondent’s out-of-pocket registration costs, a sign of bad faith under the Policy, paragraph 4(b)(i). Meanwhile, the disputed domain name incorporating the Complainant’s mark in its entirety continued to misdirect Internet users to a site advertising not only the disputed domain name but the domain services of a third party. Such misdirection for commercial gain also constitutes bad faith, as indicated by the Policy, paragraph 4(b)(iv).

The Panel finds on this record 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 <chatrandomly.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: April 25, 2024