

## ADMINISTRATIVE PANEL DECISION

Verizon Trademark Services LLC v. 石磊 (Shi Lei / Lei Shi)  
Case No. D2024-1150

### 1. The Parties

The Complainant is Verizon Trademark Services LLC, United States of America, internally represented, United States of America (“USA” or “United States”).

The Respondent is 石磊 (Shi Lei / Lei Shi), China.

### 2. The Domain Names and Registrars

The disputed domain names <verizonadministrativechagesettlement.com>, <verizonadministrativechargesettle.com>, <verizonadministrativechargesettlements.com>, <verizonchargesettlement.com>, and <verizonclassactionsettlement.com> are registered with Chengdu West Dimension Digital Technology Co., Ltd.; the disputed domain name <verizonadministrativechargesettlement.com> is registered with Cloud Yuqu LLC; and the disputed domain names <verizonadministrativechargelawsuit.com>, <verizonadministrativechargesettlemen.com>, <verizonadministrative.com>, <verizonclassactionlawsuit.com>, <verizonclassactionlawsuit2023.com>, <verizonclassactionsettlementclaim.com>, <verizonclassactionsettlement2024.com>, <verizonclassactionsuit.com>, <verizonlawsuitclaim.com>, <verizonlawsuitclaimform.com>, <verizonsettlementclaimform.com>, <verizonsettlementform.com>, <verizonsettlement2024.com>, and <whatisverizonadministrativecharge.com> are registered with Dynadot Inc (collectively the “Registrars”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2024 as regards the disputed domain name <verizonadministrativechargesettlement.com>. On March 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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 (John Doe / Cloud Yuqu LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 19, 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 a first amended Complaint in English on March 19, 2024.

On March 19, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name <verizonadministrativechargesettlement.com> is Chinese. On March 20, 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.

On June 7, 2024, the Complainant filed a second amended Complaint in English, requesting the addition of the disputed domain names <verizonadministrativechagesettlement.com>, <verizonadministrativechargelawsuit.com>, <verizonadministrativechargesettle.com>, <verizonadministrativechargesettlemen.com>, <verizonadministrativechargesettlements.com>, <verizonadministrative.com>, <verizonchargesettlement.com>, <verizonclassactionlawsuit.com>, <verizonclassactionlawsuit2023.com>, <verizonclassactionsettlementclaim.com>, <verizonclassactionsettlement.com>, <verizonclassactionsettlement2024.com>, <verizonclassactionsuit.com>, <verizonlawsuitclaim.com>, <verizonlawsuitclaimform.com>, <verizonsettlementclaimform.com>, <verizonsettlementform.com>, <verizonsettlement2024.com>, and <whatisverizonadministrativecharge.com>. On June 10, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the additional disputed domain names. On June 11, 2024, the Registrars transmitted by email to the Center the verification responses confirming that the Respondent is listed as the registrant and providing the contact details for the other disputed domain names.

The Center verified that the Complaint together with the amended Complaints 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 English and Chinese of the Complaint, and the proceedings commenced on June 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 4, 2024.

The Center appointed Karen Fong as the sole panelist in this matter on July 8, 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 the intellectual property holding company arm of Verizon Communications Inc. ("Verizon"). Verizon was formed in 2000 and is a provider of technology and communications products. Headquartered in New York, United States, it generated revenue of USD 134 billion in 2023. Verizon operates in over 150 countries around the world under the brand name VERIZON.

The Complainant is the owner of many VERIZON trade mark registrations around the world including the following:

- United States Trade Mark Registration No. 2886813, VERIZON, registered on September 21, 2004;
- United States Trade Mark Registration No. 5223839, VERIZON and device, registered on June 13, 2017.

(individually and collectively, the "Trade Mark").

The Complainant licenses to Verizon and its other affiliates the use of the Trade Mark. The Complainant is currently the defendant in a class action lawsuit, *Esposito et al. v. Cellco Partnership d/b/a Verizon Wireless* regarding an administrative charge on certain Verizon service plans (the "Lawsuit"). On November 8, 2023, the Complainant entered into an agreement to settle the Lawsuit where it agreed to pay a specified amount

of money into a settlement fund to be administered by a third-party administrator. The settlement requires that the administrator create and maintain a website at the domain name <verizonadministrativechargesettlement.com> (the “Settlement Website”). Parties who believe they are entitled to payment from the settlement fund may file a claim through the Settlement Website.

The disputed domain names were registered by the Respondent, who appears to be based in China, on the following dates:

- January 4, 2024 - <verizonadministrativechargesettlements.com>, <verizonchargesettlement.com>, <verizonclassactionsettlement.com>, <verizonadministrativechargesettlement.com>;
- January 6, 2024 - <verizonadministrativechagesettlement.com>, <verizonadministrativechargesettle.com>;
- January 8, 2024 - <verizonadministrativechargesettlemen.com>, <verizonclassactionsuit.com>;
- January 18 2024 - <verizonadministrative.com>, <verizonadministrativechargelawsuit.com>, <verizonclassactionlawsuit.com>, <verizonclassactionlawsuit2023.com>, <verizonclassactionsettlement2024.com>, <verizonclassactionsettlementclaim.com>, <verizonlawsuitclaimform.com>, <verizonsettlement2024.com>, <verizonsettlementform.com>;
- January 19, 2024 - <verizonsettlementclaimform.com>;
- January 23, 2024 - <verizonlawsuitclaim.com>, <whatisverizonadministrativecharge.com>.

The 20 disputed domain names resolve to websites which are parking pages with pay-per-click (“PPC”) links to third party websites (individually and collectively the “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.

Notably, the Complainant contends that the disputed domain names are identical and/or confusingly similar to the Trade Mark in which it has rights, that the Respondents have no rights or legitimate interests with respect to the disputed domain names, and that the disputed domain names were registered and are being used in bad faith.

### **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Issue**

#### **A. Language of the Proceeding**

The language of the Registration Agreement for the disputed domain names <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettle.com>, <verizonadministrativechargesettlements.com>, <verizonchargesettlement.com>, <verizonclassactionsettlement.com>, and <verizonadministrativechargesettlement.com> 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 the following reasons:

- The Complainant is a United States entity, and its representative is unable to communicate in Chinese and the Complainant would be prejudiced if the proceeding is conducted in Chinese;
- The disputed domain names are in English and combines the Complainant's coined word mark VERIZON with words in the English language and intentional misspellings of such words indicating that the Respondent is able to understand and communicate in English; and
- Substantial additional expense and delay would be incurred if the Complaint has to be translated into Chinese.

The Respondent has not challenged the Complainant's language request and in fact has failed to file a response in either English or Chinese.

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).

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 Issues**

### **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 name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Panel finds that the entirety of the Trade Mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms here which includes the words "administrative", "charge", "settlement", "settle", "class action", "lawsuit", "claim" and "form" or misspellings of these words and the numbers "2023" and "2024" may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity between the disputed domain names and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.8.

Based on the available record, 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.

While 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 often impossible 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. 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 record, 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.

Moreover, the nature of the disputed domain names is inherently misleading as they effectively impersonate or suggest sponsorship or endorsement by the Complainant, or suggest a connection to the Settlement Website, especially since many of the disputed domain names contain the same word combination (or misspellings of the same) of domain name connected to the Settlement Website connected to the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, 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 must have been aware of the Trade Mark when it registered the disputed domain names given the reputation of the Trade Mark and the publicity surrounding the Lawsuit. It is therefore implausible that the Respondent was unaware of the Complainant when he registered the disputed domain names.

In the [WIPO Overview 3.0](#), section 3.2.2 states as follows:

“Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark.”

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the 20 disputed domain names without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain names fall into the category stated above and the Panel finds that the registration is in bad faith. The addition of the terms “administrative”, “charge”, “settlement”, “settle”, “class action”, “lawsuit”, “claim”, “form” or misspellings of these words refer to the Lawsuit and Settlement Website, indicating that the Respondent had actual knowledge of and was targeting the Complainant.

The disputed domain names are also being used in bad faith.

The Websites are PPC sites which have been set up for the commercial benefit of the Respondent. It is highly likely that Internet users when typing the disputed domain names into their browser, or finding them through a search engine would have been looking for a site operated by the Complainant or the Settlement Website rather than the Respondent. The disputed domain names are likely to confuse Internet users trying

to find the Complainant's website or the Settlement Website. Such confusion will inevitably result due to the fact that the disputed domain names comprise the Complainant's distinctive Trade Mark and terms referencing the Lawsuit and Settlement Website.

The Respondent employs the reputation of the Trade Mark to mislead users into visiting the disputed domain names instead of the Complainant's. From the above, the Panel concludes that the Respondent intentionally attempted to attract for commercial gain, by misleading Internet users into believing that the Respondent's Websites are those of or authorised or endorsed by the Complainant, or related to the Settlement Website.

Further, the large number of disputed domain names involved is an indication that the Respondent is a serial cybersquatter.

The Panel therefore also concludes that the disputed domain names were registered and are being used in bad faith under paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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, <verizonadministrativechagesettlement.com>, <verizonadministrativechargelawsuit.com>, <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettle.com>, <verizonadministrativechargesettlemen.com>, <verizonadministrativechargesettlements.com>, <verizonadministrative.com>, <verizonchargesettlement.com>, <verizonclassactionlawsuit.com>, <verizonclassactionlawsuit2023.com>, <verizonclassactionsettlementclaim.com>, <verizonclassactionsettlement.com>, <verizonclassactionsettlement2024.com>, <verizonclassactionsuit.com>, <verizonlawsuitclaim.com>, <verizonlawsuitclaimform.com>, <verizonsettlementclaimform.com>, <verizonsettlementform.com>, <verizonsettlement2024.com>, and <whatisverizonadministrativecharge.com>, be transferred to the Complainant.

*/Karen Fong/*

**Karen Fong**

Sole Panelist

Date: July 23, 2024