

ADMINISTRATIVE PANEL DECISION

Sfanti Grup Solutions SRL c/o Walters Law Group v. Howard Allen
Case No. D2024-1365

1. The Parties

Complainant is Sfanti Grup Solutions SRL c/o Walters Law Group, United States of America (“United States”).

Respondent is Howard Allen, United States.

2. The Domain Name and Registrar

The disputed domain name <megapersonals.vip> 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 March 29, 2024. On April 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on April 3, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on the same day.

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 Respondent of the Complaint, and the proceedings commenced on April 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2024. Respondent sent email communications to the Center on April 3 and May 4, 2024.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on May 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

Complainant, Sfanti Grup Solutions SRL, a Romanian corporation, operates a website at the domain names <megapersonals.com> and <megapersonals.eu> that provides adult oriented Internet-based social introduction and dating services. Complainant owns a United States trademark registration for the mark MEGAPERSONALS in connection with its services (Registration No. 6,432,591) that issued to registration on July 27, 2021 with a claim of first use in commerce of March 30, 2004.

Respondent is an individual based in Maryland, United States. Respondent registered the disputed domain name on October 7, 2023. At some point thereafter, the disputed domain name resolved to a website entitled "Mega Personals VIP" that offered an adult oriented community and dating service. On February 12, 2024, Complainant through an attorney wrote to the operator of the website at the disputed domain name regarding the use of the MEGAPERSONALS trademark and disputed domain name for competing services.

Complainant received a response on the same day from MegaPersonals Support stating in part, "Ah, was wondering when you guys would notice me. Guess I was doing something right". Later that same day, a further response from MegaPersonals Support was sent to Complainant's representative advising "I'm taking measures currently to rebrand" and "I'll be putting up the domain for sale (as godaddy suggested when they notified me of your inquiry) – would you like to make an offer?".

On or around March 20, 2024, the disputed domain name redirected to an adult oriented website at <sextopia.wtf> that promoted itself as "Welcome to SextopiaWTF – the ultimate destination for exploration and excitement". Currently the disputed domain name resolves to a registrar parking page.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant maintains that it has rights in the MEGAPERSONALS mark by virtue of its use of the mark in connection with its services since March 30, 2004, and through its United States registration for MEGAPERSONALS. Complainant also notes that its rights in the MEGAPERSONALS mark has been recognized in a number of prior UDRP decisions.

Complainant asserts that the disputed domain name is identical to the MEGAPERSONALS mark as it fully and solely consists of the MEGAPERSONALS mark.

Complainant argues that Respondent has no rights or legitimate interests in the disputed domain name as Respondent (i) has no connection or affiliation with Complainant, (ii) is not commonly known by the name and mark MEGAPERSONALS, and (iii) has used the disputed domain name to offer services that directly compete with those of Complainant.

Lastly, Complainant contends that Respondent has registered and used the disputed domain name in bad faith as Respondent registered the disputed domain name that is identical to Complainant's MEGAPERSONALS mark and has used such to attract and divert Internet traffic to websites that offer services in direct competition to Complainant. Additionally, Complainant further contends that in response to

a demand letter sent on behalf of Complainant, it was clear that Respondent was well aware of Complainant and its services when Respondent registered the disputed domain name.

B. Respondent

While Respondent did not reply to Complainant's contentions, Respondent sent the Center two emails on April 3 and May 4, 2024. In these emails Respondent first advised "I wasn't aware this was happening. That domain points to my other platform and isn't even associated with an email address. At this point they can buy it from me or [expletive] off". In a second email, Respondent simply contended "Decision of what? Why on earth do you keep bothering me when the request was complied with?".

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was 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 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.

Based on the available record, the Panel finds Complainant has shown rights in respect of its MEGAPERSONALS mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel further finds that the disputed domain name is identical to Complainant's MEGAPERSONALS mark as it solely consists of the MEGAPERSONALS mark. [WIPO Overview 3.0](#), section 1.7.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Here, Respondent has used the disputed domain name for either a website that essentially offers the same services that Complainant promotes under its MEGAPERSONALS mark or as a redirect to another website that also provides competing services. Notably, the first website posted by Respondent at the disputed domain prominently featured the name and mark MERGAPERSONALS at the very top of the home page. In all, the disputed domain name and associated website appear to have been designed to suggest a connection between Respondent's website and claimed services and Complainant. Such use of the disputed domain is simply not legitimate. [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, and as already noted, Respondent has registered a disputed domain name that on its face is likely to be seen as being connected to Complainant and its MEGAPERSONALS services. Additionally, Respondent has used the disputed domain name for a website that either suggests a connection to Complainant to offer similar services or as a redirect to a website that likewise offers competing services. Such registration and use of the disputed domain name to attract consumers to Respondent's competing websites is opportunistic and more likely than not designed to take advantage of Complainant's rights in its MEGAPERSONALS mark for Respondent's profit. [WIPO Overview 3.0](#), section 3.1.1.

Based on the available record, the Panel finds that 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 <megapersonals.vip> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: May 18, 2024