

ADMINISTRATIVE PANEL DECISION

JanitorAI Inc. v. Jun Huang
Case No. D2024-1533

1. The Parties

The Complainant is JanitorAI Inc., United States of America (“U.S.”), represented by Minx Law, U.S.

The Respondent is Jun Huang, China.

2. The Domain Name and Registrar

The disputed domain name <janitorai.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 11, 2024. On April 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on April 12, 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, c/o Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 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 April 16, 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 April 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 10, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on May 15, 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 owner and operator of the website “www.janitorai.com”, which was launched on May 30, 2023, and since then has been used in connection with an online software that allows users to particularly interact and chat with artificial intelligence chatbots. In less than one week after its launch, the Complainant’s website attracted one million users. Currently, the Complainant’s website at “www.janitorai.com” has five million users, featuring two million chat bots and is one of the most popular artificial intelligence websites globally.

On February 5, 2024, the Complainant applied for various JANITORAI trademarks in the U.S. (inter alia no. 98392609 and no. 98392611), claiming protection for artificial intelligence and software related services as protected in classes 41 and 42 (Annexes 7 and 8 to the Complaint). In both of these two trademark applications for JANITORAI, the date of first use in commerce is indicated as at least as early as June 2023. At the time of this Decision, the Complainant’s trademark applications for JANITORAI are still pending and have not been registered yet.

The Respondent is reportedly located in China, whereas its true identity remains unclear due to seemingly incomplete contact information.

The disputed domain name was registered on June 12, 2023.

According to an affidavit of the Complainant’s Chief Executive Officer (CEO) (Annex 6 to the Complaint) and supported by screenshots and information provided in the Complaint, the website associated to the disputed domain name falsely purports to be set up for the Complainant’s JANITORAI services. Whenever users open a chat at that website, they are redirected to a competitor’s website, which copies large parts of the Complainant’s official website, particularly as regards the available chat bot characters (Exhibits 6 and 7 to the Affidavit of the Complainant’s CEO in Annex 6 to the Complaint).

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 particularly contends that it has acquired trademark rights in JANITORAI based on prominent use prior to the registration of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not substantively replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

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.

As the Complainant's trademark applications for JANITORAI are still pending and not granted at the time of the Decision, the Complainant cannot yet rely on registered trademark rights for JANITORAI.

However, the Panel finds the Complainant has established unregistered trademark in JANITORAI for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. When the Complainant launched its artificial intelligence services by using the mark JANITORAI on May 30, 2023, its operated website at "www.janitorai.com" attracted one million users in just one week. Since then, JANITORAI belongs to the globally most popular artificial intelligence websites. The fact that the Respondent is shown to have been targeting the complainant's mark supports the complainant's assertion that its JANITORAI mark has achieved significance as a source identifier. This assessment is also supported by the fact that JANITORAI has no meaning in relation to the Complainant's services, and hence, can be assessed as inherently distinctive.

The entirety of the JANITORAI mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

In the absence of a response, and given the use to which the disputed domain name has been put, there is particularly no doubt that the Respondent was well aware of the Complainant and its JANITORAI mark before registering and using the disputed domain name. The Panel is convinced that the Respondent has deliberately chosen the disputed domain name to cause confusion with the Complainant and its business among Internet users.

Bearing in mind that the visitors of the disputed domain name, who are opening a chat, are redirected to a website of a competitor to the Complainant, the Panel has further no difficulties in concluding that the Respondent is not making a bona fide offering of goods or services of the disputed domain name nor a legitimate noncommercial or fair use.

Consequently, 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.

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.

In the present case, the Panel believes that the domain name was registered in anticipation of the Complainant's trademark rights in JANITORAI. [WIPO Overview 3.0](#), section 3.8.2. This is in view of the Panel indicated by the fact that the Respondent registered the identical disputed domain name less than two weeks after the Complainant's successful launch of its JANITORAI services at the website "www.janitorai.com". It is obvious that the Respondent registered the disputed domain name in knowledge of the Complainant's tremendous success when launching its JANITORAI services with more than one million attracted users in just one week. The Panel has no doubt that the Respondent has deliberately chosen the disputed domain name to target and mislead the Internet users who particularly are searching for the Complainant and its services. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

The Panel further believes that the Respondent is using the disputed domain name in bad faith.

It is evident that using an identical domain name, which is linked to a website creating the false impression that it is associated with the Complainant, for redirecting its visitors to a competitor's website constitutes bad faith under the Policy. [WIPO Overview 3.0](#), section 3.1.4.

Also, the Panel accepts the failure of the Respondent to submit a substantive response to the Complainant's contentions as an additional indication for bad faith use.

The Respondent further appears to have furnished incomplete or false contact details for purposes of registration of the disputed domain name, as the courier was unable to deliver the Center's written communication, which additionally supports a finding of 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 <janitorai.org> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: May 29, 2024