

ADMINISTRATIVE PANEL DECISION

dYdX Foundation v. awddwa awdadad, IceNetworks Ltd.
Case No. D2024-1783

1. The Parties

The Complainant is dYdX Foundation, Switzerland, represented by SafeNames Ltd., United Kingdom.

The Respondent is awddwa awdadad, IceNetworks Ltd., Iceland.

2. The Domain Name and Registrar

The disputed domain name <dydx-event.net> is registered with Internet Domain Service BS Corp (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 29, 2024. On April 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 30, 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 May 1, 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 May 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 29, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on June 10, 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 operates in the cryptocurrency space and owns the trademark DYDX, which it uses in connection with leading a decentralized exchange for cryptocurrency products. It enjoys the benefits of registration of the mark DYDX in a number of jurisdictions, including the European Union (Reg. No. 018575296, registered on May 31, 2022).

According to the Whois information, the disputed domain name was registered on September 3, 2023. For a time following the registration of the disputed domain name, the Respondent used the disputed domain name to publish a copied version of the Complainant's website. The Respondent later used the disputed domain name to publish a parked page comprising pay-per-click ("PPC") advertising links.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark 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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the DYDX mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the DYDX mark in its entirety. This is sufficient for showing confusing similarity under the Policy. The presence of the term “event” within the disputed domain name (and the dash separating that word from the DYDX mark) does not eliminate the confusing similarity.

Accordingly, the Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; and *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent does not have any trademark rights to the term “dydx” or any other term used in the disputed domain name, (2) the Respondent has not received any license from the Complainant to use domain names featuring the DYDX trademark, (3) the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services, and (4) the Respondent is not commonly known by the disputed domain name, nor is it offering any genuine goods or services by the disputed domain name.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent’s bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent “[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent’s] website or other online location, by creating a likelihood of confusion with complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [respondent’s] website or location or a product or service on [the respondent’s] website or location”.

The Panel finds that the Respondent registered the disputed domain name in bad faith. The Respondent’s setting up a website copying the Complainant’s website, essentially immediately after registering the disputed domain name, shows that the Respondent knew about and indeed was targeting the Complainant. *JB IP, LLC v. Barney Bash*, WIPO Case No. [D2023-1863](#) (“Given that the Respondent set up a website that copies and displays the Complainant’s [...] mark and purports to offer the very same kinds of products for sale that the Complainant sells, it is implausible to believe that the Respondent was not aware of the Complainant and its mark when it registered the disputed domain name.”)

The same facts show bad faith use. *SundaeSwap Labs, Inc. v. solana art*, WIPO Case No. [D2022-0231](#) (bad faith use found where the respondent therein used the disputed domain name to post an indistinguishable copy of the complainant’s website). And using the disputed domain name later to show PPC links likewise shows bad faith use. *bioMérieux v. May Padi*, WIPO Case No. [D2022-3696](#).

Accordingly, the Panel finds that the Complainant has established this third element under 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 <dydx-event.net> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: June 24, 2024