

## **ADMINISTRATIVE PANEL DECISION**

**Creatopy Inc. v. Rio Hardina Putra, Audify**  
**Case No. D2024-2034**

### **1. The Parties**

The Complainant is Creatopy Inc., United States of America (“United States”), represented by Carlson, Gaskey & Olds, P.C., United States.

The Respondent is Rio Hardina Putra of Audify, Indonesia.

### **2. The Domain Name and Registrar**

The disputed domain name <creatopy.finance> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2024. On May 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 (Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 21, 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 23, 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 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 19, 2024.

The Center appointed Rebecca Slater as the sole panelist in this matter on June 25, 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 Creatopy Inc., a company based in the United States that provides through its website “www.creatopy.com” online software for its users to design creative assets, such as advertisements (including for the finance industry). The Complainant has an active user base of over 14,000 customers worldwide.

The Complainant has a portfolio of trademark registrations for CREATOPY, including Australian Trade Mark Registration No. 2090081 for CREATOPY word mark (registered April 16, 2020) and United States Trade Mark Registration No. 88658621 for CREATOPY word mark (registered June 20, 2023) (the “Trade Mark”).

The Respondent is Rio Hardina Putra of Audify, purportedly located in Indonesia. The Respondent did not submit a formal response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on March 15, 2024.

The website at the disputed domain name is currently inactive. It previously featured the Trade Mark and purportedly offered an “innovative platform that changes the way we view token creation and management in the blockchain ecosystem”.

#### **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 to the Trade Mark, followed by the “.finance” Top-Level-Domain (“TLD”).
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. On May 13, 2024, the website at the disputed domain name featured the Trade Mark and promoted software for creating and managing cryptocurrency. The Complainant had already been using the Trade Mark for financial and cryptocurrency related advertising services at this date.
- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent was aware of the distinctive and fanciful Trade Mark and registered it to “lure” customers or potential customers of the Complainant to use the Respondent’s software.

##### **B. Respondent**

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

## 6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of providing these elements is on the Complainant.

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

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The ".finance" TLD is viewed as a standard registration requirement and is disregarded in the Panel's assessment of the first element. [WIPO Overview 3.0](#), section 1.11.

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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been commonly known by the disputed domain name.

The disputed domain name was being used to host a website which featured the Trade Mark and offered software to customers or potential customers within industries (finance and cryptocurrency) that are serviced

by the Complainant. This targeting by the Respondent is reinforced by its use of the “.finance” TLD. This is not a bona fide offering of goods or services.

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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s Trade Mark as to the source, sponsorship, affiliation or endorsement of the website.

The Panel is of the view that the Respondent was aware of the Complainant and the Trade Mark before the dispute domain name was registered. The Respondent’s goal in registering and using the disputed domain name appears to be to attract Internet users for potential gain. This finding is reinforced by the Respondent’s: (a) selection of a disputed domain name identical to the Trade Mark, and to the second level of the Complainant’s domain name; and (b) use of the website at the disputed domain name to promote its software to customers within industries (finance and cryptocurrency) that the Complainant offers its services to, presumably, in order to generate revenue, particularly noting that the Complainant had already been using the Trade Mark for financial and cryptocurrency related advertising services at the time of the registration of the disputed domain name.

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 <creatopy.finance> be transferred to the Complainant.

*/Rebecca Slater/*

**Rebecca Slater**

Sole Panelist

Date: July 3, 2024