

## **ADMINISTRATIVE PANEL DECISION**

ZipRecruiter, Inc. v. Samir Shar  
Case No. D2024-2374

### **1. The Parties**

Complainant is ZipRecruiter, Inc., United States of America (“Unites States”), represented by SafeNames Ltd., United Kingdom.

Respondent is Samir Shar, United States.

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

The disputed domain names <notifications-ziprecruiter.com> and <notification-ziprecruiter.com> (the “Domain Names”) are registered with Register.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 11, 2024. On June 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On June 15, 2024, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 June 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 10, 2024.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on July 16, 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 is an online recruitment company based in the United States that provides services for individuals and businesses. Complainant also operates a mobile application, which is available on Google Play and the Apple Store, and attracts over seven million active job seekers, 10,000 new companies each month and has over 40 million job alert email subscribers. Since its inception in 2010, Complainant has served over one million employers and 120 million job seekers. Complainant is also active on various social media and is listed on the stock exchange under the symbol "ZIP".

Complainant has several registered trademarks in a number of jurisdictions, including:

- United States registered trademark number 3,934,310 for the ZIPRECRUITER word mark, registered on March 22, 2011;
- European Union registered trademark number 015070873 for the ZIPRECRUITER word mark, registered on June 13, 2016; and
- Canadian registered trademark number TMA979480 for the ZIPRECRUITER word mark, registered on August 28, 2017.

Complainant also owns several websites and operates its primary website at "www.ziprecruiter.com", which was registered in February 2010. The Domain Names were registered on March 11, 2024.

The Domain Names were registered on March 11, 2024, and at the time of filing of the Complaint, each resolved to a webpage with Pay-Per-Click ("PPC") links to third party websites with products and services. At the time of the Decision, each of the Domain Names resolves to an inactive or error 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 Domain Names.

Complainant contends that (i) the Domain Names are identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Names; and (iii) Respondent registered and is using the Domain Names in bad faith.

In particular, Complainant contends that it has trademark registrations for ZIPRECRUITER and that Respondent registered and is using the Domain Names with the intention to confuse Internet users looking for bona fide and well-known ZIPRECRUITER products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use domain names, which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Names. Rather, Complainant contends that Respondent has acted in bad faith in registering and setting up the Domain Names, when Respondent clearly knew of Complainant's rights.

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

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

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

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names were registered and are being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to formally respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence. See, e.g., *The Knot, Inc. v. In Knot We Trust LTD*, WIPO Case No. [D2006-0340](#).

### A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Complainant provided evidence of its rights in the ZIPRECRUITER trademarks, as noted above. Complainant has also submitted evidence, which supports that the ZIPRECRUITER trademarks are widely known and a source identifier of Complainant's products and services. Complainant has therefore proven that it has the requisite rights in the ZIPRECRUITER trademarks.

With Complainant's rights in the ZIPRECRUITER trademarks established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".com"), are identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Names are each confusingly similar to Complainant's ZIPRECRUITER trademarks. The use of Complainant's trademark in this entirety, with the addition of the descriptive term "notifications" and "notification", each followed by the addition of a hyphen "-" before Complainant's ZIPRECRUITER trademarks, does not prevent a finding of confusing similarity between each of the respective Domain Names <notifications-ziprecruiter.com> and <notification-ziprecruiter.com> and the ZIPRECRUITER trademark as they are each recognizable in the Domain Names.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its ZIPRECRUITER trademarks, and does not have any rights or legitimate interests in the Domain Names.

Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the ZIPRECRUITER trademarks or to seek registration of any domain name incorporating the trademarks. Respondent is also not known to be associated with the ZIPRECRUITER trademarks, and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, they revert to webpages with PPC links to third party websites with products and services unrelated to Complainant's business. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Names.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your web site or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the ZIPRECRUITER trademarks predate the registration of the Domain Names. Complainant is also well established and known. Indeed, the record shows that Complainant's ZIPRECRUITER trademarks and related products and services are widely known and recognized. Moreover, the addition of the terms “notifications” and “notification”, each followed by a hyphen “-” before Complainant's trademark in the respective Domain Names suggests activities potentially related to engaging in Complainant's industry and activities. Therefore, Respondent was likely aware of the ZIPRECRUITER trademarks when he registered the Domain Names, or knew or should have known that the Domain Names were each confusingly similar to Complainant's trademarks. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO

Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the registration of the Domain Names incorporating Complainant's ZIPRECRUITER trademark in its entirety suggests Respondent's actual knowledge of Complainant's rights in the ZIPRECRUITER trademarks at the time of registration of the Domain Names and its effort to opportunistically capitalize on the registration and use of the Domain Names. Further, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#). Here, the addition of the term "notifications-" or "notification-" to Complainant's trademark in each of the Domain Names suggests activities potentially related to engaging in Complainant's industry and activities.

Respondent registered and is using the Domain Names to confuse and mislead consumers looking for well-known ZIPRECRUITER products and services of Complainant or authorized partners of Complainant. The use of the ZIPRECRUITER trademarks in the Domain Names is intended to capture Internet traffic from Internet users who are looking for Complainant's products and services. The use of the Domain Names to divert users to the webpage with PPC links to third party websites, for commercial gain, by creating a likelihood of confusion with Complainant's mark is in bad faith. In addition, Respondent's activation of MX records for the Domain Names may potentially result in Internet users receiving emails and phishing activity perceived to have originated from Complainant. Such activities may result in tarnishing Complainant's reputation.

At the time of the Decision, the Domain Names each resolves to inactive or error webpages, which does not change the Panel's finding of Respondent's bad faith.

Finally, the Panel also notes the reputation of the ZIPRECRUITER trademarks, and the failure of Respondent to submit a response to the Complaint or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good-faith use to which the Domain Names may be put.

Accordingly, the Panel finds that Respondent has registered and is using the Domain Names in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Names <notifications-ziprecruiter.com> and <notification-ziprecruiter.com> be transferred to Complainant.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: July 30, 2024