

ADMINISTRATIVE PANEL DECISION

Rocket Software, Inc. v. mjon nedelcu
Case No. D2024-2598

1. The Parties

The Complainant is Rocket Software, Inc., United States of America (“United States”), represented internally.

The Respondent is mjon nedelcu, United States.

2. The Domain Name and Registrar

The disputed domain name <rocketsoftware.team> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2024. On June 26, 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 (Unknown Registrant, Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 27, 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 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 the Respondent of the Complaint, and the proceedings commenced on June 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 22, 2024.

The Center appointed Steven Auvil as the sole panelist in this matter on July 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

According to the Complaint, the Complainant is an American software company, headquartered in Waltham, Massachusetts, United States. The Complainant alleges that it has expended significant time, money, and effort to establish substantial customer recognition of the ROCKET mark including in the advertising and promotion of the Complainant's goods and services. The Complainant has used the ROCKET mark in association with computer programs, network operating system programs, computer program instruction manuals, computer education training services, and technical support services.

The Complainant has used the ROCKET mark since October 31, 1990, and owns several trademark registrations in the United States for the ROCKET mark, including United States Registration Nos. 5367469, registered on January 2, 2018, 1690753, registered on June 2, 1992, 3282428, registered on August 21, 2007, 3271565, registered on July 31, 2007, 2062841, registered on May 20, 1997, and 7403275, registered on May 28, 2024. Additionally, the Complainant has owned the domain name <rocketsoftware.com> since November 15, 1995.

The disputed domain name was registered on June 3, 2024. According to the Complaint, the disputed domain name is being used to impersonate the Complainant, purporting to offer employment opportunities with the Complainant.

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 first contends that aside from the generic Top-Level Domain ("gTLD"), ".com" compared to ".team", the Complainant's domain name <rocketsoftware.com> and the disputed domain name <rocketsoftware.team> are identical. The Complainant further alleges that when accessing the disputed domain name's webpage, a favicon with the ROCKET mark is used and redirects to the Complainant's website. The Complainant contends that because of the similarity of the disputed domain name to its ROCKET mark, there is a strong likelihood of confusion, and the public is likely to believe that there is some connection, sponsorship, affiliation, or association between the disputed domain name and the Complainant.

The Complainant further alleges that the Respondent has no rights or legitimate interest in the disputed domain name because the Respondent is not affiliated with the Complainant and the Complainant has not authorized the Respondent to use the ROCKET mark. The Complainant further contends that there is no evidence of the Respondent's use of, or preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, and the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Respondent also alleges that there is no evidence that the Respondent has been commonly known by the disputed domain name or has any trademark or service mark rights to it.

The Complainant also alleges that the Respondent has used the disputed domain name in bad faith. According to the Complaint, the disputed domain name has been used for fraudulent email correspondence, as well as job listings and communications associated with job listings. The Complainant alleges that the Respondent has impersonated the Complainant's employees, contacted job seekers via email, conducted online interviews, and even offered fictitious positions with the Complainant's company, all without the

Complainant's permission. The Complainant alleges that after the disputed domain name was registered on June 3, 2024, the Respondent contacted a job seeker via email and invited the individual for an interview on June 6, 2024.

The Complainant alleges that on June 12, 2024, job seekers contacted the Complainant to inquire whether the purported job offer was legitimate, or a scam, and indicated that they provided personally identifiable information to the Respondent, including social security numbers, bank information, and bank pin numbers, all at the request of the Respondent. The Complainant was informed that the Complainant's ROCKET mark was used in an attempt to deceive the job seekers. Further, the Complainant alleges that job seekers were sent a check to complete a mobile deposit with the Complainant's name and address.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not file a Response to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent's failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint and reasonable inferences drawn from the evidence presented.

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 evidence submitted by the Complainant supports the conclusion that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The Complainant owns several United States service marks for ROCKET, the earliest of those registered in 1992. [WIPO Overview 3.0](#), section 1.2.1.

As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or “at least a dominant feature of the relevant mark is recognizable in the domain name,” the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, section 1.8 of [WIPO Overview 3.0](#) states that “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

Here, the entirety of the Complainant’s ROCKET mark is reproduced within the disputed domain name, with the additional term “software” and the gTLD “.team”. The Panel finds the mark is recognizable within the disputed domain name and that the addition of the “software” does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8; see also *Zoom Video Communications, Inc. v. Domain Admin / Domain Admin InfoSoftware*, WIPO Case No. [D2020-2970](#). Accordingly, the disputed domain name is confusingly similar to the Complainant’s ROCKET mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As set forth in section 1.11.1 of [WIPO Overview 3.0](#), the applicable gTLD (e.g., “.com”, “.site”, “.info”, “.shop”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As such, the use of “.team” in the disputed domain name has no bearing on establishing identity or confusing similarity here. See *Ally Financial Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-2037](#).

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 evidence of record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Further, the Respondent has not rebutted the Complainant’s prima facie showing; in fact, the Respondent 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. Moreover, there is no evidence that the Complainant has licensed or otherwise authorized the Respondent’s use of the ROCKET mark as a domain name, nor is there evidence that the Respondent has any affiliation, association, sponsorship, or connection with the Complainant.

Panels have held that the use of a domain name for illegal activity, such as the phishing and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Here, the evidence demonstrates that the Respondent has used the disputed domain name in an attempt to pass off and impersonate the Complainant purporting to offer employment with the Complainant as part of a broader scam to defraud them.

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 that, if found by the Panel to be present, is evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith. For starters, the Respondent copied the Complainant's widely known ROCKET mark and included it in the disputed domain name which differs from the Complainant's domain name <rocketsoftware.com> only by its gTLD ".team", resulting in confusing similarity and a risk of implied affiliation. This alone evidences registration in bad faith.

Moreover, the Panel finds that the Respondent has engaged in illegal acts using the disputed domain name as a tool, including using the disputed domain name to impersonate the Complainant and to engage job seekers in an apparent phishing scheme to deceive them and fraudulently obtain their personally identifiable information. Panels have also held that the use of a domain name for this kind of activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <rocketsoftware.team> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: August 8, 2024