

ADMINISTRATIVE PANEL DECISION

Cresset Administrative Services Corporation v. Sabrina Daniels
Case No. D2024-2724

1. The Parties

Complainant is Cresset Administrative Services Corporation, United States of America (“United States”), represented by Fuksa Khorshid LLC, United States.

Respondent is Sabrina Daniels, United States.

2. The Domain Name and Registrar

The disputed domain name <cressetspartners.com> (hereinafter “Disputed Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2024. On July 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 5, 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, Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to Complainant on July 5, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 9, 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 Respondent of the Complaint, and the proceedings commenced on July 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 6, 2024.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on August 9, 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 and its affiliated companies operate as a private investment firm based in Chicago, that serves high net worth clients. In its cease-and-desist letter of May 13, 2024, to Respondent, Complainant asserted that it currently manages more than USD 27 billion in client assets.

Complainant and its affiliated companies have used CRESSET (hereinafter the “Mark”) since 2017. Complainant’s affiliate owns United States Registration No. 5531975 (registered on July 31, 2018) for the Mark. Complainant also uses several related service marks including CRESSET PARTNERS, for which its affiliate owns United States Registration No. 5798071 (registered on July 9, 2019).

The Disputed Domain Name was registered March 28, 2024. The associated website displays pay-per-click (“PPC”) links to other financial and investment management sites that offer services similar to those offered by Complainant.

The Disputed Domain Name has been used to send phishing emails. The submitted evidence includes copies of emails, incorporating the Disputed Domain Name, which solicit online payments from Complainant’s clients. One email requests a transfer of funds to cover a purported account deficit. Another attached a fake invoice and requested payment.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions (nor the Complainant’s cease-and-desist letter).

6. Discussion and Findings

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 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.

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 Mark is reproduced within the Disputed Domain Name, which merely adds an “s” to the Mark. The Panel finds the Mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. See also [WIPO Overview 3.0](#) section 1.9 (misspellings).

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on 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 Respondent. As such, where a complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Use of a domain name for illegal activity, here claimed fraudulent impersonation of Complainant in phishing email, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

It is also well established that displaying PPC links to competitor websites is not a bona fide use. [WIPO Overview 3.0](#) section 2.9.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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.

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. Registration of a domain name that is a deceptive misspelling of Complainant’s Mark is evidence that Respondent was targeting Complainant when it registered the Disputed Domain Name. [WIPO Overview 3.0](#) sections 3.1.4 and 3.2.1.

The Panel also finds bad faith use of the Disputed Domain Name. Panels have held that the use of a domain name for illegal activity, here claimed fraudulent impersonation of Complainant in phishing email, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In addition, Respondent’s website includes PPC links to financial institutions that may compete with Complainant. This commercial exploitation of Complainant’s Mark to confuse Internet Users is also bad faith use under Policy paragraph 4(b)(iv).

Having reviewed the record, the Panel finds Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <cressetspartners.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: August 23, 2024