

## **ADMINISTRATIVE PANEL DECISION**

Collector Square v. Lynetta Ausby, CollectorSquare LLC  
Case No. D2024-3256

### **1. The Parties**

The Complainant is Collector Square, France, represented by MEYER & Partenaires, France.

The Respondent is Lynetta Ausby, CollectorSquare LLC, United States of America (“United States”).

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

The disputed domain name, <colectorsquare.com> (the “Domain Name”), is registered with eNom, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2024. On August 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 8, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 August 9, 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 August 12, 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 August 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 17, 2024.

The Center appointed Tony Willoughby as the sole panelist in this matter on September 20, 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 a company incorporated in France, which has been operating since 2013 as an online retailer dealing in appraised vintage luxury items such as second-hand bags, watches, jewelry and objets d'art. It has a website connected to its <collectorsquare.com> domain name registered on March 26, 2012.

The Complainant is the registered proprietor of French trade mark registration no. 3975965 COLLECTOR SQUARE (words) registered on May 24, 2013 for a wide variety of services in classes 35, 36, 38, 41, 42 and 45.

The Domain Name was registered on June 15, 2024, and resolves to the Complainant's website at "www.collectorsquare.com."

Despite defects in the presentation of Annexes F, G and H to the Complaint (as detailed in 5A and 6C and 6D), the Panel accepts as fact that the Respondent has used the Domain Name for emails from [name]@colectorsquare.com and [name]@colectorsquare.com purporting to emanate from a non-existent office of the Complainant in New York City.

#### **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 Domain Name.

The essence of the Complainant's case is that this is a simple case of typosquatting. The Complainant contends that the Respondent registered the Domain Name, a misspelling of its COLLECTOR SQUARE trade mark, with the intention of impersonating the Complainant in order to deceive Internet users by using the Domain Name for email and purporting to offer job opportunities in the name of the Complainant and seeking the bank details of the job applicants.

In support of its case the Complainant has produced the following documents, many of which are undated, fail to identify the parties to the exchanges and omit the images to which some of them refer:

- (i) A formal job description for a sales manager at a salary of USD 56,000 per annum. The document is headed with the Complainant's name correctly spelt and giving an address in New York City. [Annex F1]
- (ii) An undated message from "Courier" referring to the above job description addressed to "Sam" and inviting Sam to send his/her resume to [name]@colectorsquare.com. [Annex F3]
- (iii) An employment contract dated July 16, 2024, purporting to be between the Complainant with an address in New York City and the "Sam" referred to in (ii). The contract is signed on behalf of the Complainant by someone purporting to be Head of the Complainant's HR Department. [Annex G1]
- (iv) Screenshots of a fragmented, undated exchange of messages between Vicky Harris of Collector Square LL.C. (sic) with an email address featuring the Domain Name and "Cory", which also relates to the job

description at (i). One of the messages to Cory reads: "Hello Cory, This is Vicky Harris with Collector Square LL.C., a leading EU-based online antique and vintage jewelry retailer, now with a new office in New York, NY.....". Another message to Cory concludes: "With that said, we'd like to check first if you have a suitable bank account or suitable banks nearby ..." [Annex F4]

(v) A screenshot of what appears to be a WhatsApp exchange between the unidentified sender and the Complainant. It reads "Hello, I have a few questions about something I'm dealing with right now. I wanted to know if this job is real or if it is a scam?" [There then follows a "Purchase Order" headed with the name of the Complainant and giving its so-called New York address, but more than that the Panel has been unable to decipher - the quality of the image is not good] "I was told to email someone about a job as a sales manager working remote. I was happy and I emailed the person and they emailed back with interview questions and after 4 days of communication, I was eventually hired, they gave me a contract to sign which I did sign, then they told me to do some money things and I did them, I was sent \$3,000 from them to buy a piece of jewelry that a Client was requesting. I don't know if your company knows about this or is this real or not?" [Annex G2]

(vi) A document reporting the content of an email from a third party: "Hello I was wondering if you guys have a job position for online only because someone reached out to me for a remote job for you guys so I just wanted to verify the validity of it." [Annex H1]

(vii) Another document similar in form to (vi) reading: "Hello, I am writing to you, to inform you I have been "Hired" for a remote part time sales manager job from someone named Vick Harris and Bernard Garvey. I was wondering if they were legit. They are asking me to open a bank account for a Victorian pendant project. Please advise me on best course of action. Thank you." [Annex H2]

(viii) A screenshot of a message from a telephone number in the United States reading: "Hello – Do you have a business address in New York? Thank you." [Annex H3]

(ix) An unidentified, undated document purporting to relay an iPhone message reading: "Please share with your security department that people are trying to hire employees on Collector Square's name only to try to get their bank account information to steal money." [Annex H4]

(x) A document reporting an email to the Complainant from "Ian" dated July 17, 2024 reading: "Hello, I just want to confirm whether or not your company has a New York City Division. I was sent an invitation to apply for a Sales position at the New York City Division of CollectorSquare and wanted to see if it is a scam or not. Thank you for your time, Ian". [Annex H5]

(xi) A document in similar form to (x) also dated July 17, 2024 from another third party reading: "Hello, I'm writing to confirm that the people offering me a remote job is indeed a scam. I've been emailing with "Vicky Harris" who claims to be an HR manager and offered me a part time sales manager position. I've attached the documents that were sent to me." [The documents were omitted from the Annex]. [Annex H6]

The Complainant asserts that none of the names mentioned as being members of the Complainant's staff are in fact employees of the Complainant. The Complainant further asserts that it does not and has never had a New York office.

## **B. Respondent**

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

## 6. Discussion and Findings

### A. General

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name, the Complainant must prove each of the following, namely that:

- (i) the Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### B. 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 Complainants' trademarks and the 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 Domain Name save for a single missing letter "l" and is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

### C. Rights or Legitimate Interests and D. Registered and Used in Bad Faith

In this case it is convenient that the second and third elements of the Policy be dealt with together. As indicated in section 4 above, the factual background is such that, as contended by the Complainant, the Respondent's objective from the outset was to register a deceptively similar domain name (the Complainant's principal trade mark omitting a single letter "l") with the fraudulent intent of using it for email addresses barely distinguishable from email addresses used by the Complainant's staff and thereby seeking to defraud job applicants, deceiving them into believing that the job offers emanated from the Complainant and seeking personal information (including bank details) from them in the process.

Despite defects in the quality of the Complainant's evidence (dealt with below), the Panel had no difficulty in concluding that the Complainant's allegations against the Respondent were well-founded. In particular:

- (i) The selection of a domain name so close to that of the Complainant and set to resolve to the Complainant's website is a fair indication of bad faith intent to impersonate.
- (ii) Similarly, the provision to the Registrar on registration of the Domain Name of the Complainant's name (correctly spelt) as the name of the Respondent's organisation is also a fair indication of bad faith intent to impersonate.
- (iii) The use of documents such as job descriptions and employment contracts headed with the name of the Complainant and featuring a false address for the Complainant removes any possible doubt as to the Respondent's bad faith intent.
- (iv) The Respondent, unsurprisingly, failed to challenge the Complainant's evidence.

(v) In light of the above, the messages reproduced in Annexes F, G and H are in the view of the Panel on the balance of probabilities likely to be what the Complainant asserts them to be, namely indications that the Respondent's intentions were to impersonate the Complainant for commercial gain.

Fraudulent activity of this kind can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#), section 2.13.1) and on the same basis registration and use of a domain name for such a purpose clearly constitutes bad faith registration and use of the Domain Name under the Policy ([WIPO Overview 3.0](#), section 3.4).

For completeness, it is appropriate that the Panel should address what it regards as the shortcomings of the Complainant's evidence as to the communications which the Complainant has had with persons contacting it who have had dealings with the Respondent, a prime example being Annex H4 described on the list of exhibits as "message No. 4". It is not a copy of an original document, no information is provided as to how it came to be created, the parties to the message are not identified, it is undated, and the image referred to in the sign off is not in the case file. To a lesser degree similar objections could be taken to some of the others and as indicated, the image in Annex G2 was barely legible.

Despite the above-mentioned shortcomings of the Complainant's evidence as to the communications, the Panel finds that both the second and third elements have been established.

## 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 Name <collectorsquare.com> be transferred to the Complainant.

*/Tony Willoughby/*

**Tony Willoughby**

Sole Panelist

Date: October 4, 2024