

## **ADMINISTRATIVE PANEL DECISION**

HR-PATH v. Ofunne Obiamiwe

Case No. D2024-3422

### **1. The Parties**

The Complainant is HR-PATH, France, represented by Fidal, France.

The Respondent is Ofunne Obiamiwe, United States of America (“United States”).

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

The disputed domain names <hrpath.app>, <hrpath.pro>, <myhrpath.com>, <thehrpath.com>, <tryhrpath.com>, and <usehrpath.com> are registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2024. On August 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 21, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (No information provided) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 23, 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 August 27, 2024.

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 August 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 19, 2024. The Response was filed with the Center on September 18, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on September 27, 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 registered in France.

The Complainant is the owner of trademark registrations including the following:

- France trademark registration number 4456089 for a combined mark HR PATH YOUR WAY TO PEOPLE SUCCESS, comprising the term “hr path” as a blue, white, and orange logo, followed by the wording “Your way to people success” in smaller type. The mark was registered on May 25, 2018, in International Classes 35 and 36; and

- International trademark registration number 1502058 for a figurative mark HR PATH YOUR WAY TO PEOPLE SUCCESS, comprising a similar mark as described above, registered on September 24, 2019, in International Classes 35 and 42. The mark designates Australia, the European Union, the United Kingdom, Indonesia, Mexico, the Philippines, Singapore, the United States, Switzerland, Morocco, Monaco, and Viet Nam.

The Complainant is the owner of the domain name <hr-path.com>, registered on September 22, 2009. It provides evidence of its registration of 11 further domain names containing the term “hr-path”, including principally country code Top-Level Domains, which were registered before the date of registration of the disputed domain names.

The Complainant omits to offer detailed evidence concerning its business history and activities, its use of its registered trademarks or domain names, or any reputation and commercial goodwill that it claims to attach to those trademarks or domain names. The Panel notes, however, that all of the domain names referred to by the Complainant appear to resolve to a website at “www.hr-path.com”, which states: “HR Path as a global Human-Resources leader, that supports you in every aspect of your HR department’s digital transformation.” The website further indicates that the Complainant employs 1,800 individuals serving 3,000 customers in 22 countries with annual revenues of USD 220 million.

On July 4, 2024, the Complaint announced a fundraising of USD 500 million from a private investment house.

All of the disputed domain names were registered on July 6, 2024.

All of the disputed domain names have resolved to webpages at “www.dan.com”, indicating that the disputed domain names are for sale and including prices for immediate purchase, being USD 79,888 for all of the disputed domain names other than <hrpath.pro>, for which the stated price is USD 39,888.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant submits that all of the disputed domain names are confusingly similar to its trademark. It contends that the disputed domain names <hrpath.pro> and <hrpath.app> are identical to the dominant element of that trademark, namely HR PATH, and that the short additional terms included in the other disputed domain names, respectively “use”, “the”, “try”, and “my”, do not prevent those disputed domain names from being confusingly similar to the Complainant’s trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain names. It states that it has no relationship with the Respondent and has never authorized it to use the mark HR PATH, that the Respondent has not commonly been known by the disputed domain names, and that the Respondent is using the disputed domain names only for the purpose of deliberately creating confusion with the Complainant's trademark.

The Complainant submits that the disputed domain names have been registered and are being used in bad faith. It refers specifically to its announcement on July 4, 2024 of having secured funding of USD 500 million, which it states was required for future international development, and exhibits numerous examples of media coverage of that announcement from a variety of international sources. The Complainant contends that it was therefore easy for the Respondent to have been aware of the Complainant and to have registered the disputed domain names accordingly.

The Complainant submits that the prices being requested for the disputed domain names are "insane and unjustified". It contends in the circumstances that the Respondent acquired the disputed domain names primarily for the purpose of selling the disputed domain names to the Complainant for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain names.

The Complainant requests the transfer of the disputed domain names.

## **B. Respondent**

The Respondent submits that the Complainant does not have any HR PATH word mark, but instead owns a design mark. The Respondent contends that the Complainant does not therefore have exclusive rights in, or any basis for protection of, the compound term "hrpath".

The Respondent cites uses of the term "hr path" by entities other than the Complainant, including:

- an entity named "HRPATH Saudi Arabia";
- a United States corporation named "HRPath, Inc.", which was the owner of a United States trademark registration (canceled in 2008) for the mark HRPATH; and
- a United States corporation named "The ElevateHer LLC", which filed in 2022 for a United States trademark registration (now abandoned) for the mark THE HR PATH.

The Respondent contends that the term "hr" is a common abbreviation for "human resource" in all English-speaking countries and is in that sense a generic term. The Respondent further contends that the term "hr path" is in common usage within the human resources industry and was not coined by the Complainant.

The Respondent states that it had never heard of the Complainant before receiving the Complaint in this proceeding. The Respondent adds that the Complainant is not the owner of the domain name <hrpath.com>, which resolves to a third-party domain name sales platform.

The Respondent submits that it is a domainer, part of whose business is creating, listing, and selling domain names. The Respondent states that the sale of domain names is a legitimate, multi-billion dollar, business and that it has rights and legitimate interests in the domain names they have created for sale. The Respondent states that it advises various clients, including medical practices, restaurants, and others, on optimizing and monetizing domain names registered on their behalf.

The Respondent submits that the disputed domain names are short, brandable, and memorable combinations of common words. The Respondent contends that there is no reason for it to have heard of the Complainant, which is based in a different country from the Respondent, has a minimal presence on social media, and does not even own the Twitter/X handle @HRPATH.

The Respondent submits that the proximity of the registration of the disputed domain names to the Complainant's funding announcement is "an unfortunate coincidence". The Respondent states that it has previously registered domain names including both the terms "path" and "hr", including for example:

- <agipath.com>, registered on February 8, 2023;

- <mygigapath.com>, <gigapath.xyz>, <giga-path.com> and numerous other domain names including the term "gigapath", registered on May 23, 2024; and

- <sonahr.com>, registered on May 16, 2024.

The Respondent submits that its obvious interest in domain names including the term "path", which many domainers favour, demonstrates that the Respondent was not targeting the Complainant or its trademark when registering the disputed domain names.

The Respondent adds that the Complainant's evidence of press coverage of its funding announcement appeared largely in French-language outlets, to which the Respondent had no access, and was somewhat parochial in nature.

The Respondent submits that it has never tried to contact the Complainant in connection with the disputed domain names and had no intention of so doing. The Respondent states that the high price set for the disputed domain names was purely a business decision, based on business plans and on a previous sale several months ago (details of which are not provided).

The Respondent contends that it is the Complainant that is acting in bad faith in this proceeding, by using its corporate power to bully the Respondent in circumstances where the Complainant had failed to register the disputed domain names itself.

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

### **A. Identical or Confusingly Similar**

The Respondent correctly observes that the Complainant does not own any registered word mark HR PATH, and that its combined or figurative trademark is as described in section 4 above. However, the Panel finds nevertheless that the term "hr path" is the dominant portion of the Complainant's trademark. All of the disputed domain names include the term "hrpath", which is in two cases unadorned, and the Panel does not consider that any of the additional terms, "use", "the", "try", or "my", prevents the Complainant's trademark from being recognizable within the disputed domain names.

The Panel therefore finds that all of the disputed domain names are confusingly similar to a trademark in which the Complainant has rights.

## **B. Rights or Legitimate Interests, and C. Registered and Used in Bad Faith**

The Panel finds it appropriate in this case to consider the second and third elements under the Policy together. The reason for this is that both elements turn on effectively the same question, namely, whether the Respondent registered the disputed domain names, comprising dictionary or other terms in common usage, for a legitimate purpose directly related to the dictionary meaning of those terms; or alternatively, in the knowledge of the Complainant's trademark and with the intention of taking unfair advantage of the Complainant's goodwill relating to that trademark.

In the Respondent's favour, the Panel accepts that the terms "hr" and "path" are both in common usage, although it also finds that they are somewhat distinctive when used in conjunction with one another. The Panel also accepts that the Respondent is entitled to trade legitimately in domain names, and had registered other domain names including the terms "hr", and in particular "path", before the date of the Complainant's funding announcement. Further, the Panel notes once again the Complainant's failure to provide detailed evidence of the use and the reputation of the trademark (which omission could have proved fatal to its Complaint).

These matters are not, however, sufficient to persuade the Panel that the Respondent registered the disputed domain names without knowledge of the Complainant or its trademark, as the Respondent claims, or otherwise than to seek to leverage the Complainant's trademark rights.

First, while the Respondent claims that the two-day proximity between the Complainant's funding announcement and the registration of the disputed domain names was merely "an unfortunate coincidence", the Panel finds this to stretch credibility to an unreasonable degree.

Secondly, it is the view of the Panel that a professional domainer, choosing on the same day to register six domain names all with the common element "hrpath", ought certainly to have undertaken a basic Internet search against that term (if it did not in fact do so). Such a search undertaken independently by the Panel returns the Complainant as the top result, and as five of the next six results (the exception being the Saudi Arabian entity referred to by the Respondent), including links to the Complainant's pages on LinkedIn, Instagram, YouTube, and X.

Thirdly, the Panel does not consider the Respondent to have provided any convincing explanation (or evidence of comparative sales) to rebut the inference that the disputed domain names targeted the Complainant.

Contrary, therefore, to the Respondent's assertions that it had never heard of the Complainant prior to this proceeding, and that the Complainant had no presence to suggest the Respondent should have heard of it, the Panel concludes on balance that the Respondent registered and has used the disputed domain names in an attempt to take unfair advantage of the goodwill attaching to that trademark.

The Panel finds further that the Respondent most likely registered the disputed domain names primarily for the purpose of selling the disputed domain names to the Complainant for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain names (paragraph 4(b)(i) of the Policy).

The Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of any of the disputed domain names. The Panel finds further that all of the disputed domain names have been registered and are being used in bad faith.

## 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 names <hrpath.app>, <hrpath.pro>, <myhrpath.com>, <thehrpath.com>, <tryhrpath.com>, and <usehrpath.com> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: October 11, 2024