

ADMINISTRATIVE PANEL DECISION

JSW IP Holdings Private Limited v. Sonja Perkins
Case No. D2024-3633

1. The Parties

The Complainant is JSW IP Holdings Private Limited, India, represented by Worldwide Intellec, India.

The Respondent is Sonja Perkins, United States of America (“United States”), self-represented.

2. The Domain Name and Registrar

The disputed domain name <jswone.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2024. On September 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 September 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 September 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2024. The Respondent sent an email on September 24, 2024 and filed a Response on September 27, 2024.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on October 8, 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.

On October 9, 2024, the Panel issued Procedural Order No. 1 to the Parties. This invited the Respondent to provide, by no later than October 14, 2024, evidence to substantiate the preparations to use the disputed domain name in connection with the “Just Start With One” initiative, which might include pre-launch documentation along the lines of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 2.2. The Complainant was invited to comment on the Respondent’s submissions (if any) within five days of receipt of such submissions.

On October 12, 2024, the Respondent filed a submission and documentary evidence in response to the said Procedural Order, and on October 16, 2024, the Complainant filed comments thereon. On October 17, 2024, the Respondent filed a supplemental filing.

4. Factual Background

The Complainant is part of the JSW Group, an enterprise that is among India’s largest conglomerates, with economic interests ranging from steel to energy and infrastructure. It has been incorporated under its present name since December 18, 2014. The Complainant’s corporate group has interests worldwide, including in the United States, where the Respondent is based. For example, the Complainant has at least two companies doing business in the United States, JSW Steel (USA) Inc., and JSW Steel USA Ohio, Inc., each of which maintains substantial steelmaking assets. The Complainant holds a range of intellectual property on behalf of its corporate group, including numerous trademarks for the JSW mark, which has been used by members of the group since at least 2005.

For example, the Complainant is the owner of Indian Registered Trademark Number 1373834 in respect of the device mark JSW in which these letters appear in a stylized typeface with a double curved flourish moving from the left and upwards to the right above the letter “S”, registered on July 26, 2005 in Class 6 (iron and steel). The Complainant’s group company JSW Steel Limited is also the owner of a variety of registered trademarks for the mark JSW ONE, all of which appear to have been registered in 2020. For example, JSW Steel Limited is the owner of Indian Registered Trademark Number 4630732 in respect of the word mark JSW ONE, registered on August 28, 2020 in Class 35 (variety of goods for uses including home improvement provided from an online database).

The Complainant’s group’s primary domain name appears to be <jsw.in>, registered on March 14, 2005 and currently held by JSW Steel Limited. The Complainant’s group also owns two domain names containing the term “jswone”, namely <jswonehomes.com>, registered on May 26, 2021, and <jswonemsme.com>, registered on July 10, 2021, both currently held by JSW One Platforms Limited.¹

The disputed domain name was registered on April 17, 2015. According to a screenshot provided by the Complainant, the disputed domain name resolves to a parking page provided by the Registrar. Included on said parking page is a link button entitled “Get This Domain”, which when clicked takes the Internet user to a page offering the Registrar’s brokerage service, stating “DOMAIN TAKEN [the disputed domain name] We might be able to help you get it”.

¹The Complainant provided a list of its domain names and companies within its corporate group, although it did not provide Whois entries for the domain name concerned. The Panel therefore conducted Whois lookups for the three domain names noted here, and for the Respondent’s domain name <juststartwith1.com> discussed later. See section 4.8 of the [WIPO Overview 3.0](#) on the subject of the Panel undertaking limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

The Respondent is a venture capitalist and philanthropist based in the United States.² For example, the Respondent founded two organizations in 2010, Broadway Angels and Project Glimmer. Broadway Angels is a professional angel investment network of women founders and venture capitalists. Project Glimmer is a national nonprofit organization that supports underserved teenage girls from diverse backgrounds. Its original mission was to inspire women and girls to believe in themselves. Project Glimmer's website notes that it has served 1,000,000 teenage girls and women, 86 per cent of whom are young women of color. It maintains partnerships with over 2,000 organizations, and has programs entitled "Gifts + Goods", "Empowerment Events + Academy", and "1:1 Career Coaching".

The Respondent's principal assertion is that the disputed domain name was registered for use in connection with an initiative spun out of Project Glimmer entitled "Just Start With One", to be used to inspire others to start with one idea, as Project Glimmer started, that can change the world.

An email history provided with the Complaint shows that in late September 2023, agents acting on behalf of the Complainant commenced a broker services process, presumably via the Registrar, by which the Complainant attempted to acquire the disputed domain name along with others, having allocated a budget for the acquisition. On October 26, 2023, the Complainant's agent noted that the Respondent had replied to its inquiry and was willing to sell the disputed domain name for USD 6,000. On October 27, 2023, a person with an email address emanating from the Complainant confirmed to said agent that the disputed domain name should be purchased.

On November 1, 2023, a person with an email address emanating from the Complainant asked said agent if there might be room for some negotiation to bring the final price more in line with the Complainant's previously set upper limit. On November 6, 2023, the Complainant's agent informed said person that the Respondent had changed its mind in selling, "as she didn't feel very comfortable selling it to an anonymous party". The agent added, "I got them on the phone to try and save the deal and after some discussion the owner felt better and said they would be willing to move forward, however their USD 5,000 price was the minimum they would accept to sell it". On November 8, 2023, the said person stated that the Complainant accepted the price and brokerage fee. On November 16, 2023, the agent reported, "I have some unfortunate news on [the disputed domain name]. It seems the owner changed their mind in selling the domain name as they've apparently decided that they will be using the domain. After the owner informed me of this I've been going back and trying to see if we can persuade them to sell the domain but the owner replied again reiterating they do not want to sell the domain as they will be using it themselves".

The following additional facts were identified from the evidence accompanying Respondent's answer to Procedural Order No. 1:

The Registrar's original invoice for the registration of the disputed domain name is dated April 16, 2015 and made out to the Respondent, confirming that the Respondent is the original registrant of the disputed domain name. The Registrar's invoice of April 18, 2016 mentions both the disputed domain name and the domain name <juststartwith1.com>, which is said to be subject to a one year term renewal. The domain name <juststartwith1.com> was registered on April 17, 2015, suggesting that it was registered by the Respondent contemporaneously with the disputed domain name. Furthermore, the timestamps on the respective Whois records indicate that <juststartwith1.com> was registered approximately three minutes before the disputed domain name. The Registrar's invoice of February 13, 2017 shows that by that date, the Respondent had registered other domain names containing a "startwith" element, namely, <startwithonevc.com> and <startwithnewoman.com>.

²The Panel obtained these details from the website for the organization "Project Glimmer" founded by the Respondent in 2010. The Respondent placed said website in evidence by referring to "Project Glimmer" in its submissions. The Respondent also referred to its alternative domain name <juststartwith1.com> in its submissions, the website associated with which links to the website for "Project Glimmer" which may be found at "www.projectglimmer.org".

Additional light was shed on the correspondence between the Respondent and a broker acting on behalf of the Complainant as follows:

On October 4, 2023, a broker from the Registrar emailed the Respondent expressing interest in the disputed domain name, and providing an initial offer of USD 2,500. On October 6, 2023 and October 12, 2023, the broker emailed the Respondent again, chasing for a reply. On October 12, 2023, the Respondent emailed the broker, asking to be reminded of the offer amount, which was confirmed by the broker on the same day. In response to this, on the same day, the Respondent made a counter-offer of USD 5,000 for the disputed domain name, adding "I am inclined to keep it but my husband thinks maybe". The broker acknowledged this on the same day.

On November 1, 2023, the broker emailed the Respondent again, making a counter-offer of USD 4,000 for the disputed domain name. On the same day, the Respondent asked for details of the identity of the interested party. On November 2, 2023, the broker emailed the Respondent and advised that the interested party's identity could not be disclosed. On the same day, the Respondent replied to the broker advising that the Respondent wanted to make sure that the buyer "is not anti environment, pro porn, anti women or other vices", and confirmed that the Respondent would pass on [decline] the interested party's offer.

On November 3, 2023, the broker emailed the Respondent confirming that the purchaser would use the disputed domain name for commercial purposes and not for derogatory or offensive content. The broker also advised that three domain names were being pursued as options and invited the Respondent to take advantage of the opportunity "to capitalize on the situation and receive a strong compensation for your domain vs letting it sit and collect renewal fees for a few more years to eventually expire". The broker offered to repeat the Respondent's last offer to the interested party, which the Respondent authorized on November 4, 2023.

On November 8, 2023, the broker advised that the interested party would meet the Respondent's counter-offer price. On the same date, the Respondent emailed the broker as follows: "I changed my mind. I think I am going to use the URL." On November 9, 2023, the broker emailed asking whether the Respondent would reconsider a sale for an improved offer, suggesting a price of USD 7,500. On November 15, 2023, the Respondent replied stating "No worries. I would prefer not to counter as I plan to use it and do not want to insult them. / I have a feeling this URL has much more value than offered", adding in a later email of the same day, "It is hard working with people you don't know. Sorry to disappoint".

On May 7, 2024, the broker emailed the Respondent referring to their correspondence in the preceding year, adding that the interested party had noticed that the disputed domain name was still not in use, and asking if the Respondent might be willing to reconsider the sale of the disputed domain name, adding a revised price proposal of USD 7,500. On the same day, the Respondent declined said offer, noting "We are building a website currently for the 'Just Start With One' Foundation. To us the URL is priceless".

On May 7, 2024, a person apparently working on behalf of the Respondent asked a web developer to build "a quick simple website" for the disputed domain name, adding "We just need to show the domain is being used". The person then provided a description of the website now associated with the domain name <juststartwith1.com>. On May 8, 2024, said site was available to be demonstrated, and the developer requested the Respondent's login information to the Registrar in order to connect it to the disputed domain name. On May 10, 2024, the same person informed the web developer that it was not possible to log into the Registrar account without two factor authentication, which would be received by the Respondent. The Respondent was invoiced by the developer for this work on June 3, 2024, with a further invoice relative to an attempt to change the nameservers on the disputed domain name and connecting an alternative domain name to said website between September 17, 2024 and September 26, 2024.

The website associated with the domain name <juststartwith1.com> is a static, single page site, stating “Just Start with One Idea / Just one small idea grew into Project Glimmer”. [these last two words are hyperlinked to “www.projectglimmer.org”].

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.

Notably, the Complainant contends that its JSW mark is famous, has been advertised extensively together with being widely covered by virtue of the Indian Twenty20 cricket league, reaching billions of people across the world. The Complainant notes that said mark has been included in the list of well-known trademarks by the Registrar of Trademarks, India since February 19, 2024, and has been referred to in an Indian Court decision which found that said mark commands “a higher degree of protection on account of the unique and unparalleled goodwill and reputation acquired through use”. The Complainant submits that the disputed domain name contains the whole of its JSW trademark, and that such mark predates the disputed domain name by a decade.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name, adding that the mark JSW is a coined term that has been granted well-known status, and that, to date, the Respondent has not made a bona fide use of the disputed domain name in commerce but rather has engaged with the Complainant via a broker to offer the disputed domain name for sale.

The Complainant submits that the disputed domain name should be considered as having been registered and used in bad faith by the Respondent, adding that the Complainant has a “stellar” reputation, that it is known internationally, and that its mark has been held to be well-known in India. The Complainant asserts that its group has a considerable presence in the United States, where the Respondent is based, adding that the Respondent ought to have been aware of the Complainant’s trademark rights, considering that it is a coined term, and is not otherwise a common name or expression, such that adoption of such mark in the disputed domain name must be regarded with suspicion.

The Complainant notes that the disputed domain name is parked with a landing page which provides a link by which the Complainant was connected with a broker who negotiated purchase of the disputed domain name with the Respondent, adding that the Respondent made multiple offers ending in a minimum price of USD 5,000, from which it later resiled. The Respondent notes that no use has been made of the disputed domain name to date, and that it was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring it to the Complainant or a competitor thereof for valuable consideration in excess of the Respondent’s out-of-pocket costs directly related thereto. The Complainant submits that the Respondent’s general offer to sell the disputed domain name constitutes bad faith use in itself.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name, and asserts that the disputed domain name was registered in good faith and is not being used to infringe upon any trademark rights held by the Complainant.

The Respondent asserts that the disputed domain name is distinct from the Complainant’s branding, noting that the Complainant’s business was founded in 2020, five years after the registration of the disputed domain name. The Respondent’s concept for the disputed domain name is different from the Complainant’s operations. No consumer confusion has occurred as the disputed domain name is not associated with the Complainant’s business sectors, noting that the Complainant is an industrial cement and steel business in India.

The Respondent asserts that it registered the disputed domain name in 2015, well before the founding of the Complainant's JSW One entity in 2020, adding that the disputed domain name was acquired for personal use, with "JSW" standing for "Just Start With [One]", a concept that the Respondent has been developing unrelated to its business activities. The Respondent points out that "JSW" can represent various acronyms and terms, and asserts that its registration was made without any knowledge of the Complainant's trademark. The Complainant explains (as noted in the factual background above) that "Just Start With One" is a non-profit initiative spun-out of Project Glimmer, which the Respondent founded in 2010, referencing the impact of "starting with just one" idea.

The Respondent asserts that the Complainant's suggestion that it registered the disputed domain name to profit from the Complainant's trademark is unsubstantiated, adding that the Complainant initiated contact and began negotiations to purchase the disputed domain name via a broker, and that the Respondent neither proactively offered it for sale to the Complainant or a competitor, nor has any interest in selling it. The Respondent submits that when the Registrar reached out with offers, the Respondent felt intimidated by individuals repeatedly asking the Respondent to sell the disputed domain name, asserting further that the Complaint is an escalation of that intimidation which the Respondent finds frustrating as it did not know the identity of the buyer.

The Respondent submits that its website has been developed for the disputed domain name but that publication was delayed due to an issue with two-factor authentication. After such issue was resolved, the Respondent learned that the disputed domain name had been locked due to the Complaint. The Respondent notes that it has been published on an alternative domain name, <juststartwith1.com>, albeit that the disputed domain name was the intended primary domain name. The Respondent adds that it is delaying the full launch until it resolves the issue.

C. Respondent's submissions in response to Procedural Order No. 1

The Respondent contends that the documentation which it has produced substantiates the use of the disputed domain name for the "Just Start With One" initiative, adding that it has been active with the domain name for years, commencing with the original registration of the disputed domain name, before the Complaint was filed. The Respondent notes that its web designer was instructed to begin building the "Just Start With One" website on May 7, 2024, and that the respective invoice from the web designer predates the initial and amended Complaints. The Respondent states that the second invoice from the web designer dated October 1, 2024 relates to the launching of the website on an alternative domain name because of the redelegation lock on the disputed domain name due to the Complaint.

D. Complainant's comments upon Respondent's submissions in reply to Procedural Order No. 1

The Complainant notes that the Respondent had suggested that a fully-fledged "Just Start With One" website had been developed and was intended to be published in 2024, adding that the chain of communications shows that development of the said website was initiated shortly after the broker made contact with the Respondent on May 7, 2024. The Complainant asserts that this constitutes a deliberate attempt by the Respondent to camouflage its bad faith registration and to preempt the administrative proceeding, and that there is no credible evidence to show preparations to use the disputed domain name in connection with alleged "Just Start With One" initiative. The Complainant submits that there is no evidence explaining why the alleged website was not published between May and September 13, 2024, when the administrative proceeding commenced, adding that the only website that was developed was a landing page, being a desperate attempt to show some token use of the disputed domain name which cannot be called a bona fide use thereof.

The Complainant contends that no credible signs of the pursuit of the "Just Start With One" initiative have been produced, asserting that the Respondent's mention of "Just Start With One Idea" was nothing but an afterthought. The Complainant concludes that the Respondent's claims of plans to use the disputed domain name are baseless, and that these are first mentioned to the broker some two minutes after an email was

sent to the web developer to build the landing page. Such use cannot be considered to be a genuine and bona fide use predating the Complaint.

6. Discussion and Findings

A. Preliminary Matter: Parties' Supplemental Filings

Paragraph 10 of the Rules vests the panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition. Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case.

The Panel admits the Parties' filings in answer to, and in accordance with, Procedural Order No. 1.

Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel.

In all such cases, panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some "exceptional" circumstance). [WIPO Overview 3.0](#), section 4.6.

The Panel declines to admit the Respondent's supplemental filing received on October 17, 2024. No provision had been made, or was necessary, for any sur-reply from either of the Parties in connection with Procedural Order No. 1. The Panel must conduct the proceedings with due expedition, and the Respondent's supplemental filing therefore comes too late in the day to be admitted.

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 Complainant's trademark and the disputed domain name. [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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Respondent's allegation that its concept for the disputed domain name is different from the Complainant's operations, and that no consumer confusion has occurred as the disputed domain name is not associated with the Complainant's business sectors, are not relevant to the first element assessment under the Policy, although they may be relevant and form part of the second and third element analyses.

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

C. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the third element under the Policy, no good purpose would be served by addressing the issue of the Respondent's rights or legitimate interests in the disputed domain name.

D. 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, 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 present case turns on whether the Respondent registered and used the disputed domain name in the knowledge of and with intent to target the Complainant's JSW and/or JSW ONE marks, as the Complainant contends, or whether, as asserted by the Respondent, the disputed domain name was registered as part of the Respondent's plans to develop an initiative under the "Just Start With" moniker, meaning that the correspondence of the related acronym to the Complainant's mark is merely unintentional and coincidental rather than deliberate. Relevant to this question is the fact that the evidence on the present record indicates that the earliest that the Complainant began to use the JSW ONE mark is 2020, with the Complainant's relevant domain name registrations following in 2021.

Also relevant is the fact that the disputed domain name was registered in April 2015, long predating the Complainant's use of the word "one" in combination with its JSW mark (or the Complainant's registration of the JSW ONE mark). The Panel finds that there is nothing on the present record that indicates that the Respondent might reasonably have anticipated in 2015 the Complainant's combination of its JSW mark with the word "one" in 2020. As to whether the Complainant's JSW mark itself is well-known, such that the Respondent is likely to have been aware of it when it registered the disputed domain name, the Panel notes that the Complainant has a presence and substantial commercial activities in the United States, where the Respondent is based, but that there is no evidence that the Complainant is, for example, a household name there. It seems more likely to the Panel that the Complainant's mark may be well-known in its respective industries, meaning in particular within the steel industry in the United States, but would not necessarily be known by a person such as the Respondent.

Equally relevant to the question is the fact that the Respondent's <juststartwith1.com> domain name was registered minutes before the disputed domain name in 2015, and appears on the Respondent's 2016 invoice from the Registrar. This provides very strong support for the notion that the phrase "Just Start With" was in the Respondent's mind at the precise moment when it registered the disputed domain name, and thus affirms its position as to the contended acronym in the disputed domain name. The Respondent's alleged choice of phrase is therefore not an "afterthought", as contended by the Complainant. The Registrar's invoices go on to show that before February 2017, the Respondent also registered <startwithonevc.com> and <startwithonewoman.com>, each containing a "startwith" element, being a partial use of the same phrase. This is similarly supportive of the Respondent's position, and the evidence as a whole convincingly displaces the "afterthought" contention.

The Respondent's registration of domain names apparently corresponding to the "Just Start With" and "start with" monikers predates the Complainant's use of its JSW mark combined with the word "one" by between four and five years. The Complainant's case that the disputed domain name was registered and used in bad faith therefore must rely on the proposition that the presence of the letters "jsw" in the disputed domain name demonstrates that the Respondent was more probably than not targeting the Complainant's JSW mark (standing alone) when the disputed domain name was registered. That proposition requires the Complainant to find an alternative explanation for the contemporaneous or near contemporaneous registration by the Respondent of other domain names corresponding to the contended acronym advanced by the Respondent. The likeliest explanation that might be given, albeit that the Complainant does not directly address the point, is that the Respondent must have registered the other domain names as a deliberate smokescreen with a view to concealing its real intent to target the Complainant's JSW mark. There is insufficient evidence on the present record to support that notion.

Indeed, the only evidence that might suggest anything untoward or unusual in the Respondent's registration and use of the disputed domain name is its response to the Complainant's broker's renewed approach to discuss the purchase of the disputed domain name in May 2024. Immediately upon this contact being made, the Respondent initiated the development of a landing page for the disputed domain name, which was

intended, in the words of the person acting on the Respondent's behalf, "[...] to show the domain is being used". The Complainant's position is that this was done in anticipation of the present administrative proceeding, on a pretextual basis, and that if it is coupled with the Respondent's suggestions in the Response that it had already built a fully-fledged website when it had not, the circumstances are indicative of bad faith intent on the Respondent's part.

In the Panel's opinion, the Respondent's reaction to being contacted again by the broker some six months after the Respondent had ended the correspondence does not demonstrate on the balance of probabilities that the disputed domain name was registered in 2015 with the intention of targeting the Complainant's mark. If the Respondent had been intending to create a pretextual use of the disputed domain name with a view to improving its sale price (these events taking place almost a decade after it was originally registered) then it would presumably have wanted to keep the sale negotiations alive rather than having closed them down on not one but two occasions, first in November 2023, and secondly in May 2024. To suggest otherwise would require the Respondent to be playing an implausibly long game in the targeted sale of the disputed domain name.

It cannot be overlooked that both approaches to purchase the disputed domain name were initiated by the Complainant and not by the Respondent. Furthermore, while the parking page on the website associated with the disputed domain name may have invited expressions of interest for the disputed domain name, this does not appear to be the Respondent's doing but rather is the Registrar's standard advertisement for its brokerage service, which it displays on many if not all of the domain names that remain parked on its nameservers. There is no evidence that the disputed domain name has been independently offered for sale, for example on an aftermarket website, or that the advertisement on the website associated with the disputed domain name was generated intentionally by or on behalf of the Respondent. Finally, if the Respondent had been intent upon targeting the Complainant's mark when it registered the disputed domain name, given its evident ready access to website development resources, it would presumably have built a more plausible "smokescreen" website for the disputed domain name some years ago rather than waiting until it was in the midst of a second approach from the Complainant.

Taking all of the facts and circumstances together, the Panel is inclined to the view that the reason why the Respondent arranged for the building of the website landing page in 2024 was more probably than not to avoid repeated approaches from the Complainant's broker so long as the disputed domain name remained unused, rather than being indicative of any bad faith motivation in the registration of the disputed domain name in 2015. Crucially, the Panel considers that the sale negotiations which took place in 2023 and 2024 respectively, and the web development instructions that followed the 2024 approach by the Complainant's broker, cannot taint the original registration of the disputed domain name in 2015, in respect of which there are reasonably plausible contemporaneous indications of good faith.

It is important to note that there is no evidence on the record, whether in the Respondent's invoices from the Registrar or elsewhere, to suggest that the Respondent registered any domain names containing the "jsw" acronym other than the disputed domain name. In other words, there is no evidence of any kind of concerted targeting of the Complainant's JSW mark, and the only use by the Respondent of the "jsw" acronym is in conjunction with the word "one" which, at the material time, had no logical or identifiable connection to the Complainant. Furthermore, the Respondent's domain name portfolio, as it expanded and contracted over the years, shows other domain names containing the expanded version of the "jsw" acronym "Just Start With" (or the "sw" element ("Start With")) contended for by the Respondent. The Panel notes in addition that the Respondent is able to demonstrate that it has been involved in the creation of genuine foundations in the past of the kind which it says that it is proposing for the "Just Start With One" moniker.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: October 23, 2024