

ADMINISTRATIVE PANEL DECISION

YPO, Inc. v. Carh Sirva
Case No. D2024-3751

1. The Parties

Complainant is YPO, Inc., United States of America (“United States”), represented by 101domain.com, United States.

Respondent is Carh Sirva , United States.

2. The Domain Names and Registrar

The disputed domain names <ypoconcierge.com>, <ypoconcierge.net>, and <ypoconcierge.org> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 13, 2024. On September 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 16, 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 (Information not available on WHOIS / Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on September 17, 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 September 19, 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 September 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 11, 2024.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on October 21, 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 is an organization focusing on a global leadership community of chief executives with the aim to improve lives, businesses, and the world. Complainant was founded in 1950 and has functioned as an active membership community for over five decades. Complainant registered its primary domain name <ypo.org> in May 1995, from which it operates its primary website. Complainant's organization consists of over 30,000 global members spanning over 142 countries.

Complainant is the owner of several trademark registrations for the mark YPO, including:

United States Trademark No. 2,172,537, registered July 14, 1998,
European Union Trademark No. 000490839 registered February 3, 1999.

In addition to its primary website at domain name <ypo.org>, Complainant claims that it owns and maintains an extensive portfolio of over 100 domain names consisting of country-code Top-Level Domain and generic Top-Level Domain variations of the YPO trademark, combined with related generic dictionary terms such as <ypoconnect.org>, <ypomemberservices.com>, and <ypoexchange.net>.

The disputed domain names were all registered on June 13, 2024 and redirected to Complainant's member login page. Complainant received security warnings from various security vendors and all three of the disputed domain names have active MX and SPF records, indicating a likely intent to use the disputed domain names in connection with fraudulent "phishing" emails. On July 17, 2004, Complainant notified the Registrar of the suspicious behavior of the disputed domain names. Complainant also recognized the disputed domain name <ypoconcierge.org> as a domain name that had previously targeted Complainant's customers for phishing tactics and was suspended October 21, 2022 following Complainant's filing of an abuse complaint.

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 names.

Notably, Complainant contends that the disputed domain names each incorporate Complainant's YPO mark in its entirety, that Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names have been registered and are being used in bad faith.

B. Respondent

Respondent did not reply to the Complainant's contentions.

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 Panel finds the mark is recognizable within the disputed domain names. The term "concierge" does not prevent a finding of confusing similarity. Accordingly, the disputed domain names are confusingly similar to the 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.

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 available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

Complainant has not licensed or allowed Respondent to use the YPO trademark for any purpose. All three of the disputed domain names were registered within seconds of each other, had active MX records, and redirected to Complainant's official member login page, indicating a targeted effort to impersonate Complainant's company. In addition, Complainant recognized <ypoconcierge.org> as a domain name that had previously targeted Complainant's customers for phishing tactics and was suspended on October 21, 2022 following Complainant's filing of an abuse complaint. On July 17, 2024, Complainant filed a new abuse complaint with the Registrar and the hosting provider for the newly registered <ypoconcierge.org> disputed domain name together with the other two disputed domain names.

Respondent is not commonly known by the disputed domain names and has registered the disputed domain names for the purpose of disrupting the business of Complainant. Respondent is not making a legitimate noncommercial or fair use of the disputed domain names. The disputed domain names previously redirected to a member login page of Complainant's website. Respondent is using the disputed domain names to actively disrupt Complainant's business. The record is devoid of any evidence of a bona fide use of or demonstrable preparations to use any of the disputed domain names in connection with a legitimate offering of goods or services.

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, 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.

In the present case, the Panel notes that the disputed domain names redirected to Complainant's website, indicating that Respondent was well aware of Complainant's mark at the time of registering the disputed domain names. In addition, the record indicates that all of the disputed domain names have been reported by several security vendors as suspicious, leading Complainant to file an abuse complaint with the Registrar and the hosting provider for the disputed domain names.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that redirecting the disputed domain names to the member login form of Complainant's website affirms Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainant. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain names 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 names <ypoconcierge.com>, <ypoconcierge.net>, <ypoconcierge.org> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: November 1, 2024