

ADMINISTRATIVE PANEL DECISION

Tradedoubler Aktiebolag v. Francis Greyson
Case No. D2024-3819

1. The Parties

- 1.1 The Complainant is Tradedoubler Aktiebolag, Sweden, represented by Groth & Co KB, Sweden.
- 1.2 The Respondent is Francis Greyson, United States of America (“United States”).

2. The Domain Name and Registrar

- 2.1 The disputed domain name <tradesdoubler.com> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

- 3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2024. At that time publicly available Whois details did not identify the registrant of the Domain Name.
- 3.2 On September 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 23, 2024, the Registrar transmitted by email to the Center its verification response disclosing the underlying registrant details in respect of the Domain Name.
- 3.3 The Center sent an email communication to the Complainant on September 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 September 25, 2024.
- 3.4 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”).
- 3.5 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 21, 2024.

3.6 The Center appointed Matthew S. Harris as the sole panelist in this matter on October 25, 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

4.1 The Complainant is a company incorporated in Sweden in 1999. It is engaged in the business of consulting, and the development, implementation and sale of products, services and software in the areas of the Internet, extranet, e-commerce, management, and marketing and business processes.

4.2 The Complainant is the owner of various registered trade marks that comprise or incorporate the term "TRADEDOUBLER". They include:

(i) European Union trade mark registration No. 006432405 for TRADEDOUBLER as a word mark, applied for on November 13, 2007 and registered on September 16, 2008, in respect of goods and services in classes 9, 35, and 42;

(ii) United Kingdom trade mark registration No. UK00906432405 for TRADEDOUBLER as a word mark, registered on September 16, 2008, in respect of goods and services in classes 9, 35, and 42; and

(iii) United States trade mark registration No. 3,616,346 for TRADEDOUBLER in stylised text, applied for on November 30, 2007 and registered on May 5, 2009, in respect of goods and services in classes 9, 35, and 42.

4.3 The Complainant is also the owner of the domain name <tradedoubler.com>.

4.4 The Domain Name was registered on July 30, 2024. On September 9, 2004, the Domain Name was used to send an email claiming to come from the Complainant's "International Client Development Director", with the subject line "Tradedoubler Audit September 2024" and attaching a letter purporting to come from the Complainant's CEO requesting that, during a period of a claimed audit, payments be made to a bank account not controlled by the Complainant.

5. Parties' Contentions

A. Complainant

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

5.2 In this respect it claims that the Domain Name "fully includes" the Complainant's registered trade marks, and is identical to those marks. It further alleges that the Respondent is "trying to fraudulently use fictitious contact information to earn money and to disrupt the Complainants' business by using a confusingly and nearly identical Domain name and email address".

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 It is generally 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 trade mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

6.2 The Panel finds the Complainant has shown rights in registered trade marks for the term "TRADEDOUBLER" as well as trade marks in respect of which that term is a significant part. The Panel also finds that the term "TRADEDOUBLER", and therefore those marks, are recognisable within the Domain Name. The reason for this is that the Domain Name involves a combination of the text "tradesdoubler" with the ".com" generic Top-Level Domain ("gTLD"). Ignoring capitalisation (which cannot form part of a domain name) the only difference between the second level of the Domain Name and the term "TRADEDOUBLER", is an additional letter "s". That additional letter is likely to go unnoticed by many persons that encounter the Domain Name. The Panel is also satisfied, given the use that has been made of the Domain Name, that the Respondent has registered and used the Domain Name in the hope and expectation that it would not be so noticed. Accordingly, although the Panel does not accept the Complainant's contention that the Domain Name and its marks are identical, it does accept that the Domain Name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

6.3 Accordingly, the first element of the Policy has been established.

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

6.4 It is usual for panels under the Policy to consider the issues of rights or legitimate interests, and registration and use in bad faith in turn. However, in this case it is more convenient to consider those issues together. [WIPO Overview 3.0](#), section 2.15.

6.5 The Panel accepts that the Domain Name has been deliberately registered in order to falsely impersonate the Complainant and its employees, in furtherance of a fraud whereby the person or persons that control the Domain Name are seeking to divert monies into a bank account that they control.

6.6 There is obviously no right or legitimate interest in holding a domain name for the purpose of furtherance of a fraud through impersonation (see section 2.13 of the [WIPO Overview 3.0](#)), and the fact that a domain name is or has been used for such a purpose is evidence that no such right or legitimate interest exists. Further, the registration and use of a domain name for such a purpose involves registration and use in bad faith (see section 3.4 of the [WIPO Overview 3.0](#)). Where, as here, the way that the domain name is being used to further that fraud is as part of an email address, such activities also arguably fall within the scope of the example circumstances evidencing bad faith registration set out in paragraph 4(b)(iv) of the Policy. However, whether or not this is so, it is difficult to conceive of a more clear-cut example of bad faith registration and use of a domain name.

6.7 In the circumstances, the Panel finds that the second and third elements of the Policy have been established.

7. Decision

7.1 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 <tradesdoubler.com> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: November 1, 2024