

ADMINISTRATIVE PANEL DECISION

SeatGeek v. Rahul Sharma, decrypton

Case No. D2024-3837

1. The Parties

The Complainant is SeatGeek, United States of America (“United States”), represented by Soteria LLC, United States.

The Respondent is Rahul Sharma, decrypton, India.

2. The Domain Name and Registrar

The disputed domain name <seatgeeks.online> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2024. On September 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 20, 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 (Registration Private / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. 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 amended Complaint on September 23, 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 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 17, 2024.

Due to a technical issue, it appears that the Center's notification email was not successfully delivered to one of the email addresses provided. In light of the above, the Center granted the Respondent a ten-day period through November 2, 2024, in which to indicate whether it wishes to participate to this proceeding. The Respondent did not submit any response. Accordingly, the Center re-notified the Respondent's default on November 5, 2024.

The Center appointed Adam Taylor as the sole panelist in this matter on November 7, 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

For over a decade, the Complainant¹ has operated a mobile-focused ticket platform branded SEATGEEK that enables users to buy and sell tickets for live sports, concerts, and theatre events.

The Complainant owns United States Registration No. 4,062,477 for SEATGEEK, registered on November 29, 2011, in class 42.

The Complainant operates a website at "www.seatgeek.com".

The disputed domain name was registered on July 12, 2024.

The disputed domain name does not resolve to an active website. At one point, the disputed domain name appears to have resolved to a Registrar holding page that stated: "Whois verification is pending". When visited by the Panel on November 20, 2024, the disputed domain name resolved to a page simply stating that the disputed domain name has been suspended and inviting the registrant to contact the registration service provider to reactivate it.

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.

B. Respondent

The 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 the Complainant's trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

¹ The Panel will treat "SeatGeek", the named Complainant, as shorthand for SeatGeek, Inc, which is the proprietor of the trade mark invoked by the Complainant as well as the entity named in the Terms of Use on the website at "www.seatgeek.com".

The Complainant has shown rights in respect of a trade mark 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 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 recognised 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

As to paragraph 4(c)(i) of the Policy, the disputed domain name is currently inactive and therefore not being used for a bona fide offering of goods or services.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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

C. Registered and Used in Bad Faith

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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel considers that the following circumstances are indicative of passive holding in bad faith:

1. the distinctiveness and fame of the Complainant’s mark, and composition of the disputed domain name;
2. the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use; and
3. the implausibility of any good faith use to which the disputed domain name may be put.

In particular, not only does the disputed domain name reflect the Complainant's highly distinctive and long-standing mark, but the Panel has carried out limited independent research which indicates that the Complainant completely dominates the first few pages of Internet searches for "seatgeek" and "seatgeeks".

The Panel finds that the 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 name <seatgeeks.online> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: November 20, 2024