

ADMINISTRATIVE PANEL DECISION

Strava, Inc. v. allsla alalsppapa
Case No. D2024-3940

1. The Parties

The Complainant is Strava, Inc., United States of America (“United States”), represented by IPLA, United States.

The Respondent is allsla alalsppapa, United States.

2. The Domain Name and Registrar

The disputed domain name <stravamomentum.com> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2024. On September 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 26, 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 (REDACTED FOR PRIVACY / See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 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 28, 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 October 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2024. The Respondent did not submit a response. Accordingly, the Center notified the Respondent’s default on October 28, 2024.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on November 1, 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 states that it provides services using the STRAVA Trademark (as defined below) “in connection with various software, software platforms, advertising and ecommerce, apparel, social networking, fitness training/coaching, and related goods/services”; that its “STRAVA mobile app and online platform has been considered one of the best and most popular training apps and platforms for athletes and users worldwide by numerous third parties”; that it “has served over 125 million registered global users across 190 different countries.”

The Complainant further states, and provides evidence to support, that it is the owner of multiple registrations for trademarks that consist of or contain “Strava”, including U.S. Reg. Nos. 4,096,967 for STRAVA (registered February 7, 2012); 3,877,582 for STRAVA (registered November 16, 2010); and 4,547,007 for STRAVA (registered June 10, 2014). These registrations are referred to herein as the “STRAVA Trademark.”

The Disputed Domain Name was created on September 15, 2024. The Complainant states, and provides copies of emails in support thereof, that the Disputed Domain Name is used in connection with “an elaborate fraud scheme” in which “Respondent has reached out to various third-party individuals advertising fake job opportunities at the Complainant’s company.”

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:

- The Disputed Domain Name is confusingly similar to the STRAVA Trademark because the Disputed Domain Name “fully incorporates Complainant’s STRAVA mark in its entirety and the additional term “momentum” does not materially distinguish the domain name from STRAVA as it is descriptive of the fitness activity that the Complainant is well-known to be associated with through its mobile app and fitness tracking platform.”
- The Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, the Disputed Domain Name was registered in 2024, which is “well after” the dates on which the Complainant registered the STRAVA Trademark; the Disputed Domain Name “merely lists various links to random websites”; “the domain does not display or have any visible content”; “Complainant is not aware of any trademark rights, domain name rights, or other rights that Respondent has relating to the STRAVA mark, nor has Complainant ever authorized the Respondent to use its STRAVA trademark in connection with any goods or services”; and “nothing in Respondent’s Whois information or any other publicly available source suggests Respondent is commonly known by the disputed domain.”
- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “Complainant has been exclusively and continuously using its Strava Marks since at least as early as April 28, 2009, more than 15 years before the Respondent registered the disputed domain name”;

“shortly after registering the disputed domain name, the Respondent began using @stravamomentum.com email addresses associated with the disputed domain name in connection with an elaborate fraud scheme” in which “Respondent has reached out to various third-party individuals advertising fake job opportunities at the Complainant’s company,” which “was brought to the Complainant’s attention as these third-party individuals have reached out to the Complainant asking for verification on whether these emails were legitimate and whether they were actually sent out by the Complainant”; and “the Respondent intentionally used a false name, address, email, and phone information in registering 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 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, namely, the STRAVA Trademark. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the registrations for the STRAVA Trademark set forth above is reproduced within the Disputed Domain Name, and the STRAVA Trademark is recognizable in the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term (here, “momentum”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. As set forth in [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

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 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.

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 Respondent has used the Disputed Domain Name in connection with an employment scam, falsely holding itself out as, and falsely advertising jobs with, the Complainant. As set forth in [WIPO Overview 3.0](#), section 3.4: "Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, [or] identity theft.... Many such cases involve the respondent's use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers."

Indeed, numerous panels under the Policy have found that using a disputed domain name in connection with an employment scam, as the Respondent has done here, constitutes bad faith. See, e.g., *LinkedIn Corporation v. Daphne Reynolds*, WIPO Case No. [D2015-1679](#) (finding bad faith where "[t]t clearly appears from the evidence provided by the Complainant that the Respondent, impersonating the Complainant, has sent fraudulent offers of employment via email using the Domain Name as the return address"); and *Inter-Continental Hotels Corporation v. Whois Agent, Whois Privacy Protection Service, Inc. / Fred Adams*, WIPO Case No. [D2016-0715](#) ("the undisputed use which the Respondent made of the disputed domain name as part of an employment and phishing scam and passing off itself as the Complainant, apparently so as to obtain certain information from Internet users as a result of the intentionally created confusion between the disputed domain name and the Trademark, constitutes use of the disputed domain name in bad faith"). Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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 <stravamomentum.com> be transferred to the Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: November 6, 2024