

ADMINISTRATIVE PANEL DECISION

Sfanti Grup Solutions SRL v. MD NOYON ALI
Case No. D2024-3990

1. The Parties

The Complainant is Sfanti Grup Solutions SRL, United States of America (“United States”), represented by Walters Law Group, United States.

The Respondent is MD NOYON ALI, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <megapeersonals.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 1, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 1, 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 October 2, 2024.

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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 30, 2024.

The Center appointed Alan L. Limbury as the sole panelist in this matter on November 5, 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

Since March 2004, the Complainant has operated the website at “www.megapersonals.com” and since June 2020, it has operated the website at “www.megapersonals.eu”, both in connection with the provision of Internet-based social introduction and dating services.

The Complainant registered the trademark MEGAPERSONALS with the United States Patent and Trademark Office (Reg. No. 6,432,591, registered on July 27, 2021) for: “Providing Internet-based social introduction services via a website featuring on-line personal classified advertisements for the purposes of social introduction and dating” in International Class 45.

The disputed domain name was registered on May 22, 2024. It resolves to a website prominently displaying on the home page the Complainant’s MEGAPERSONALS mark as a logo in the same font and colours as used by the Complainant on the home page of its website at “www.megapersonals.eu.” The mark is followed by the words “personals classified”, as they appear on the Complainant’s website. Internet users are invited to enter their email address and password to login. The foot of the page contains the notice: “Copyright 2024 MegaPersonals.eu”.

Counsel for the Complainant sent a cease-and-desist letter by email to the Respondent’s privacy service on September 11, 2024, to which there was no response.

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 it has both common law and registered rights in the MEGAPERSONALS mark, which pre-date the registration of the disputed domain name, which is a typosquatted version of the Complainant’s mark and is thus confusingly similar to the mark.

The Respondent has neither rights nor legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant and has not received any authorization, licence, or consent, whether express or implied, to use the mark in the disputed domain name or in any other manner. The Respondent is not commonly known by the mark and does not hold any trademarks for the disputed domain name. No evidence indicates that the Respondent is known by the text of the disputed domain name. The Respondent has designed the website at the disputed domain name to mimic the appearance of the Complainant’s services. The Respondent can claim no legitimate rights to or interests in the disputed domain name because the website contains a logo that is identical to the Complainant’s logo.

As to bad faith registration, it is well-settled that the practice of typosquatting is evidence of bad faith registration. The Respondent was clearly aware of the Complainant’s trademark rights when it registered a confusingly similar domain name and began operating a website that provides services in direct competition with the Complainant. Moreover, the Respondent offers not only the same services as the Complainant but has designed the services to look identical to those offered by the Complainant to further induce consumer confusion. The Respondent clearly registered the disputed domain name to divert Internet traffic from the

Complainant's site to a website offering social introduction services in direct competition with the Complainant via a website which mimics the Complainant's website for apparent phishing purposes.

As to bad faith use, the disputed domain name directs to a website that is designed to deceive the Complainant's users into unknowingly providing their log-in credentials to the Respondent for phishing purposes. This clearly constitutes bad faith use.

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 registered 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, which differs only by the addition of the letter "e". Accordingly, the disputed domain name is 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 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.

Panels have held that the use of a domain name for phishing, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the disputed domain name is a clearly typosquatted version of the Complainant's trademark. This establishes that the Respondent was fully aware of the Complainant's mark when registering the disputed domain name and did so in bad faith.

Panels have held that the use of a domain name for phishing, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 <megapeersonals.com> be transferred to the Complainant.

/Alan L. Limbury/

Alan L. Limbury

Sole Panelist

Date: November 8, 2024