

ADMINISTRATIVE PANEL DECISION

ServiceNow, Inc. v. james jawnsn
Case No. D2024-4158

1. The Parties

The Complainant is ServiceNow, Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is james jawnsn, United States.

2. The Domain Name and Registrar

The disputed domain name <servicenow-help.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 9, 2024. On October 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 11, 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, Whois Privacy Protection Foundation”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 14, 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 October 16, 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 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on November 26, 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 provides enterprise software and cloud computing platforms that assist organizations in managing digital workflows. The Complainant owns the trademark **SERVICENOW**, for which it enjoys the benefits of registration, including United States Registration No. 4015461 (registered on August 23, 2011). The Complainant also provided evidence of significant business revenue (including over 2.5 billion USD in quarter two of 2024), numerous industry awards, and a significant social media presence.

According to the Whois records, the disputed domain name was registered on June 10, 2024. The Respondent has used the disputed domain name to host a website containing pay-per-click (“PPC”) links to unrelated third-party sites, presumably to generate commercial gain.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not respond to the Complainant’s contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. 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. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the SERVICENOW mark by providing evidence of its trademark registration. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the SERVICENOW mark in its entirety with the addition of the descriptive term “-help,” which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s SERVICENOW mark. See [WIPO Overview 3.0](#), section 1.8. The SERVICENOW mark remains recognizable for a showing of confusing similarity under the Policy.

It is standard practice when comparing a disputed domain name to a complainant’s trademarks, to not take the extension into account. See [WIPO Overview 3.0](#) at 1.11.1 (“The applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”)

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that:

- the Respondent is not sponsored by or affiliated with the Complainant;
- the Respondent is not commonly known by the disputed domain name;
- the Complainant has not authorized the Respondent to use the SERVICENOW trademark; and
- the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services. Instead, the Respondent has used the disputed domain name to redirect Internet users to a website featuring PPC links.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. Nothing in the record otherwise tilts the balance in the Respondent’s favor.

Moreover, the composition of the disputed domain name, wholly incorporating the Complainant’s well-known mark, followed by the descriptive term “help” separated by a hyphen, effectively impersonates or suggests sponsorship or endorsement by the Complainant, and so cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Complainant’s SERVICENOW trademark significantly predates the registration of the disputed domain name. The Respondent’s registration of the disputed domain name wholly incorporating the Complainant’s well-known mark, followed by the descriptive term “help” separated by a hyphen, suggests an intention to target the Complainant’s trademark and reputation, likely with an intent to take advantage of unsuspecting Internet users that may be searching for assistance with the Complainant’s services.

In these circumstances, and absent explanation or Response from the Respondent, the Panel finds the Respondent's use of the disputed domain name to host a website featuring PPC links constitutes bad faith under paragraph 4(b)(iv) of the Policy. By creating a likelihood of confusion with the Complainant's mark, the Respondent seeks to attract Internet users for commercial gain. See [WIPO Overview 3.0](#), section 3.5. Additionally, the use of a privacy service to obscure the Respondent's identity further supports a finding of bad faith. See [WIPO Overview 3.0](#), section 3.6.

The Panel concludes that the Respondent registered and is using the disputed domain name in bad faith.

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, <servicenow-help.com>, be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: December 9, 2024