

ADMINISTRATIVE PANEL DECISION

ServiceNow, Inc. v. Domain Administrator, Fundacion Privacy Services LTD
Case No. D2024-4330

1. The Parties

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

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Names and Registrar

The disputed domain names <sercive-now.com>, <serivce-now.com>, <service-nowqa.com>, <servicenow-services.com>, and <servicesnowservices.com> are registered with Media Elite Holdings Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2024. On October 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 23, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2024.

The Center appointed Peter Burgstaller as the sole panelist in this matter on December 2, 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 was founded 2003 and is a U.S. headquartered company which provides services in the field of AI, especially supporting companies to manage digital workflows for enterprise operations. It is listed on the NYSE with more than 24,000 employees and a revenue of far over USD 8 billion in 2023 (Annexes 6 - 8 to the Complaint).

The Complainant's business name is ServiceNow and it owns several trademark registrations containing the mark SERVICENOW, inter alia

- U.S. trademark SERVICENOW (word), Reg. No. 4015461, registered August 23, 2011, for Int. Class 42;
- U.S. trademark SERVICENOW (word), Reg. No. 5015775, registered August 9, 2016, for Int. Class 9, 35, 41, and 42;
- China trademark SERVICENOW (word), Reg. No. 13488904, registered July 7, 2016, Int. Class 42;
- International trademark servicenow (figurative), Reg. No. 1135453, registered on September 15, 2012, Int. Class 42, designated inter alia for European Union and Japan;
- United Kingdom trademark servicenow (figurative), Reg. No. UK00801135453, registered on September 24, 2013, Int. Class 42; and
- Canada trademark SERVICENOW (word), Reg. No. TMA873588, registered on March 18, 2014, Int. Classes 35, 37, 42, and 45 (Annex 1 to the Complaint).

The Complainant owns (inter alia) the domain name <servicenow.com> which addresses its main website with content to the Complainant's business (Annex 5 to the Complaint).

Finally, the Complainant has a strong Social Media presence especially via Facebook, Instagram, YouTube and LinkedIn (Annexes 9 and 10 to the Complaint).

The registration dates of the disputed domain names are as follows:

- <sercive-now.com>, registered on September 7, 2020;
- <service-now.com>, registered on November 15, 2019;
- <service-nowqa.com>, registered on February 9, 2021;
- <servicenow-services.com>, registered on June 8, 2020; and
- <servicesnowservices.com>, registered on June 8, 2020 (Annex 2 to the Complaint).

At the time of filing the Complaint the disputed domain names <sercive-now.com>, <servicenow-services.com>, and <servicenowservices.com> resolved to a website displaying pay-per-click ("PPC") links to redirect Internet users; the disputed domain names <service-now.com> and <service-nowqa.com> resolved to a website stating "An Error Occurred".

Further, all disputed domain names were offered at <sedo.com> for sale; the one-time fee for the disputed domain name <sercive-now.com> was min USD 1,499 and were for the other disputed domain names (each) Rs 417,432 (appr. USD 4,800) (Annex 3 to the Complainant).

The disputed domain names <sercive-now.com>, <service-nowqa.com>, <servicenow-services.com>, and <servicesnowservices.com> have active Mail Exchange ("MX") records (Annex 11 to the Complaint).

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 names.

Notably, the Complainant contends that it is a leading company in providing services to other organizations in the field of digital transformation; its business name SERVICENOW is globally well-known and protected by various trademark registrations containing the mark SERVICENOW around the world. The disputed domain names either entirely incorporate this famous trademark or incorporate it with a spelling mistake ("sercive" or "service" instead of "service") or with additional descriptive terms ("services") or with the letters "qa" as suffix.

The Complainant notes, that there is no legal relationship whatsoever between the Complainant and the Respondent is not commonly known by the disputed domain names, which evinces a lack of rights or legitimate interests.

Furthermore, the Complainant contends that at the time of filing the Complaint, the Respondent was using a privacy WHOIS service, which past panels have also found to equate to a lack of legitimate interest.

The Complainant also submits that the Respondent was aware of the Complainant's trademark when registering the disputed domain names and is using the disputed domain names <sercive-now.com>, <servicenow-services.com>, and <servicesnowservices.com> to redirect Internet users to a website featuring PPC links to third-party websites; the Respondent's website at the disputed domain name <sercive-now.com> also features a PPC link that directly references the Complainant.

The Complainant contends, that the Respondent presumably receives PPC fees from the linked websites that are listed at the disputed domain name's website.

The disputed domain names <service-now.com> and <service-nowqa.com> redirect Internet users to a website that resolves to a blank page and lacks content.

Finally, the disputed domain names were offered for sale in amounts that far exceed the Respondent's out-of-pocket expenses in registering the disputed domain names and the Complainant purports that in having active MX records the disputed domain names might be used for email communications.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

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

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 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the mark SERVICENOW for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

In the present case, the disputed domain names are confusingly similar to the SERVICENOW mark in which the Complainant has rights since they incorporate either the entirety of the mark SERVICENOW or in a misspelled manner "sercive" or "serivce" instead of "service" or with the additional descriptive term "services" or with the letters "qa" as suffix.

It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain names, the mere addition of other terms does not prevent a finding of confusing similarity under the first element of the Policy. [WIPO Overview 3.0](#), section 1.8.

This is the case at present – the SERVICENOW trademark clearly remains recognizable in each of the disputed domain names.

Finally, it has also long been held that generic Top-Level Domains (in this case ".com") are generally disregarded when evaluating the confusing similarity of a disputed domain name. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, since it has never assigned, granted, licensed, sold, transferred, or in any way authorized the Respondent to register or use the SERVICENOW trademark in any manner.

Furthermore, the nature of the disputed domain names, comprising the Complainant's mark in its entirety or in a misspelled manner together with descriptive terms and the similar naming pattern of the disputed domain names cannot be considered fair as these falsely suggest an affiliation with the Complainant that does not exist. [WIPO Overview 3.0](#), section 2.5.

The disputed domain names moreover resolved to the same website containing PPC links and the information that the disputed domain names are offered for sale; all disputed domain names furthermore were offered at <sedo.com> for sale.

Additionally, the Respondent's true identity remains concealed by a privacy service; such concealment of identity does not lend any support to the notion that the Respondent has rights and legitimate interests in the disputed domain names.

The Respondent did not reply and hence has not rebutted the Complainant's contentions.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in many decisions rendered by UDRP panels, under paragraph 4 (a)(iii) of the Policy both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain names were registered by the Respondent in bad faith; and
- the disputed domain names were being used by the Respondent in bad faith.

(i) The Complainant has established rights in the registered trademark **SERVICENOW**, long before the registration of the disputed domain names. Further, the trademark **SERVICENOW** is intensively used on the Internet.

Hence, it is inconceivable for this Panel that the Respondent has registered and used the disputed domain names without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith. This finding is supported by the fact that the disputed domain names entirely incorporate the Complainant's registered trademark **SERVICENOW** or in a misspelled manner or together with descriptive terms; furthermore, all disputed domain names have a very similar naming pattern.

These aspects strengthen the impression that the Respondent was aware of the Complainant and its **SERVICENOW** mark at the time of registration of the disputed domain names.

Therefore, the Panel is convinced that the disputed domain names were registered in bad faith by the Respondent.

(ii) The Complainant put forward evidence that all disputed domain names are being offered for sale at a price which is likely to be considerably greater than the Respondent's out of pocket costs directly related to them.

Furthermore, the disputed domain names <sercive-now.com>, <servicenow-services.com>, and <servicenowservices.com> resolved to a website displaying PPC links to redirect Internet users; the disputed domain names <service-now.com> and <service-nowqa.com> resolved to a website stating "An Error Occurred".

By resolving to a website with links, the Respondent has attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website according to paragraph 4(b)(iv) of the Policy which constitutes bad faith registration and use of the disputed domain names.

Furthermore, in the present case the "disclosed" Registrant is a privacy service provider. This obfuscation of the real identity of the Registrant ("russian doll" scenario) supports the finding of bad faith since it is an attempt to shield illegitimate conduct from a UDRP proceeding; this is also in contradiction to paragraph 3.7.7.2 of the ICANN Registrar Accreditation Agreement which states that the Registrant accepts liability or any use of the relevant domain name unless it timely discloses the contact information of any underlying beneficial registrant. Where it appears that a respondent employs a privacy service merely to avoid being notified of a UDRP proceeding, previous UDRP panels already have found that this supports an inference of bad faith. [WIPO Overview 3.0](#), section 4.4.6.

This Panel is convinced that in the present case and on the basis of the evidence provided by the Complainant, the Respondent used the Privacy Service merely to block the disclosure of its identity with the intention of obstructing a proceeding under the Policy.

Finally, the Respond did not reply and refute such inference at all.

Further, this Panel concludes that the disputed domain names are being used in bad faith, putting emphasis on the following:

- the Complainant's trademark SERVICENOW has a strong Internet presence;
- the Respondent has failed to present any evidence of any good faith use with regard to the disputed domain names;
- the composition of the disputed domain names is misleading, and are thus suited to divert or mislead potential Internet users from the website they are trying to visit (the Complainant's site) and giving the false impression that the Respondent must be in some way related with the Complainant which is not the case;
- the disputed domain names contain obvious spelling mistakes ("sercive" and "service" instead of "service") which also supports a finding of bad faith;
- the disputed domain names <sercive-now.com>, <service-nowqa.com>, <servicenow-services.com>, and <servicesnowservices.com> have active MX records, which indicates a possible use for email services; and
- there is no conceivable plausible good faith use with regard to the disputed domain names under the present circumstances.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent has failed to present any evidence of any good faith registration and use with regard to the disputed domain names further supports the finding of bad faith.

Based on the available record, 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 names <sercive-now.com>, <service-now.com>, <service-nowqa.com>, <servicenow-services.com>, and <servicesnowservices.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: December 16, 2024