

ADMINISTRATIVE PANEL DECISION

comScore, Inc. v. chifeo wong
Case No. D2024-4395

1. The Parties

The Complainant is comScore, Inc., United States of America (“US”), represented by Hyland Law PLLC, US.

The Respondent is chifeo wong, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <comscores.xyz> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 25, 2024. On October 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 28, 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 (PRIVACYGUARDIAN.ORG) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 30, 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 31, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2024.

The Center appointed Halvor Manshaus 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 is a multi-national provider of cross-platform media data analytics. The Complainant was founded in 1999 and has its principal place of business in Virginia, US.

The Complainant is the owner of registrations comprising of the COMSCORE trademark, such as the US trademark registration number 2556866, registered on April 2, 2002, and the US trademark registration number 7090764, registered on June 27, 2023.

The Complainant has also registered the domain name <comscore.com>, incorporating the COMSCORE trademark.

The disputed domain name was registered on July 14, 2024. The disputed domain name has been used to host a website displaying the Complainant's trademark. The Complainant has received a report from a person alleging to be subject to a phishing scam from a person associated with the disputed domain name.

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 a trademark in which it holds rights as the disputed domain name comprises the entirety of the Complainant's trademark with the addition of the letter "s". The disputed domain name is phonetically and aurally substantially identical to the Complainant's trademark.

Further, the Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no license, permission or other business affiliation with the Complainant and the Complainant has not approved nor authorized the use of the Complainant's trademark. The disputed domain name is used for phishing purposes which does not constitute a bona fide offering of goods or services.

Lastly, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Respondent is using the domain name in a phishing scheme designed to deceive Internet users into providing sensitive information, such as usernames, passwords, and to transfer money. Such conduct demonstrates that the disputed domain name was registered and used in bad faith.

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. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within 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.

The disputed domain name incorporates the entirety of the Complainant's trademark, with the mere addition of the letter "s" a common plural signifier. For the purposes of assessing confusing similarity under the Policy, such slight misspellings are insufficient to avoid a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9.

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 illegal activity here, claimed as phishing 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

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 disputed domain name incorporates the Complainant's trademark in its entirety with the addition of the letter "s". The Panel finds it unlikely that the Respondent was unaware of the Complainant's trademark registrations as the Complainant's trademark predates the registration of the dispute domain name and has been used on the website hosted on the disputed domain name.

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 has been used to host a website impersonating the Complainant's name, where Internet users are asked to disclose their personal information. Furthermore, the Complainant has provided evidence from a victim of an attempted phishing scam from a person affiliated with the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity here, claimed phishing 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 <comscores.xyz> be transferred to the Complainant.

/Halvor Manshaus/

Halvor Manshaus

Sole Panelist

Date: December 16, 2024